SAN FRANCISCO PUBLIC LIBRARY
3 1223 08679 2786

5/S

San Francisco Public Library

Government Information Center
San Francisco Public Library
100 Larkin Street, 5th Floor
San Francisco, CA 94102

REFERENCE BOOK

Not to be taken from the Library

Digitized by the Internet Archive
in 2016

https://archive.org/details/meetingminutesdr2009sanf

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

Tuesday, January 6, 2009 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK, ROSS MIRKARIMI
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors McGoldrick, Elsbernd, Mirkarimi	Wednesday 1:00 PM
City Operations and Neighborhood Services Committee Supervisors Chu, McGoldrick, Elsbernd	1st and 3rd Thursday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Campos, Maxwell	1st and 3rd Monday 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Campos, Peskin	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Daly, Dufty, Peskin	1st and 3rd Thursday 10:00 AM

GOVERNMENT
DOCUMENTS DEPT

JAN - 8 2009

SAN FRANCISCO
PUBLIC LIBRARY

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, David Campos, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:11 p.m. On the call of the roll all Supervisors were noted present. (The district eleven Supervisor's seat is currently vacant)

There was a quorum present.

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Elsbernd, moved to approve the Board Meeting Minutes of November 25, 2008. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

COMMUNICATIONS

Former Supervisor Gerardo Sandoval was sworn in as Judge, to the Superior Court of California on January 5, 2009 which has left a vacancy in district eleven.

The Board of Supervisors are in receipt of a letter dated December 19, 2008, communicating the Mayor's Veto of File #081088 which would require conditional use authorization for any elimination of dwelling units through mergers, conversions, or demolitions of existing dwellings units. The Board must act on the veto within 30 days of the date of the veto, being January 18, 2009. Thereforeit is Item #17 on today's agenda.

3 1223 08679 2786

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

081522 [Appropriating $136,000,000 of General Obligation Bonds for the San Francisco General Hospital and Trauma Center for the Department of Public Health for Fiscal Year 2008-2009]
Mayor

Ordinance appropriating $136,000,000 of General Obligation Bond Proceeds approved by voters under Proposition A in the November 2008 election authorizing the issuance of general obligation bonds for the building or rebuilding and earthquake safety improvement of the San Francisco General Hospital and Trauma Center in the Department of Public Health for Fiscal Year 2008-2009.

(Fiscal Impact.)

FINALLY PASSED

081523 [General Obligation Bond Short-Term Indebtedness]
Mayor

Ordinance amending the San Francisco Administrative Code by adding Article 43.11, Sections 43.11.1 through 43.11.5, to authorize the issuance of short-term indebtedness in anticipation of the issuance of general obligation bonds authorized by the voters.

(Fiscal Impact.)

FINALLY PASSED

081507 [Accept-Expend Federal Grant and amend Annual Salary Ordinance, FY 2008-2009 $1,024,467.00]
Supervisor Elsbernd

Ordinance authorizing the Police Department to retroactively accept and expend grant funding in the amount of $1,024,467.00 from the National Institute of Justice for a program entitled "NIJ's 2008 Forensic DNA Unit Efficiency Improvement Program," and amending the Annual Salary Ordinance to create grant-funded positions.

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

081124 [Prohibiting advertisements for alcoholic beverages on City property]
Supervisors Mirkarimi, McGoldrick

Ordinance amending the San Francisco Administrative Code by amending Section 4.20, to prohibit advertisements for alcoholic beverages on City property.

FINALLY PASSED

081508 [Funds to support public health emergency preparedness - $460,396]
Supervisor Maxwell

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of $460,396 from the California Department of Public Health (CDPH) Emergency Preparedness Office, to fund the Hospital Preparedness Program; for the period of August 9, 2008 through August 8, 2009.

ADOPTED

081559 [Accept-Expend Federal grant funds - Department of Public Works - $1,475,675]
Supervisor Elsbernd

Resolution authorizing the Department of Public Works to accept and expend a grant in the amount of $1,475,675 from the U.S. Department of Justice, Bureau of Justice Assistance Edward Byrne Memorial Discretionary Grants Program.

ADOPTED

081506 [State grants to fund agricultural projects - $17,672.98]
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend three grants with a total amount of $17,672.98, from the California Department of Food and Agriculture (CDFA); with retroactive approval to accept and expend two of these grants (Agreements #08-0507 and #08-0415) totaling $914.98, for the period of July 1, 2008 through June 30, 2009, and approval to accept and expend a third grant (Agreement #08-0345) in the amount of $16,758.00 for the period of January 1, 2009 through December 31, 2009.

ADOPTED

Recommendations of the Government Audit and Oversight Committee

081452 ["Know your rights" brochure for towing]
Supervisor Peskin

Ordinance adding Section 3055.2 to the San Francisco Police Code to require tow car firms to display "Know Your Rights When Your Car is Towed from Private Property" brochure and setting administrative penalties.

FINALLY PASSED

081514 [Appropriating $45,000,000 of Certificates of Participation Revenue for the Moscone Center Improvement Project in the Office of the City Administrator for Fiscal Year 2008-2009]
Supervisor Peskin

Ordinance appropriating $45,000,000 of San Francisco Certificates of Participation (COPs) Series 2009B to fund the Moscone Center Improvement Project in the General Services Agency - Office of the City Administrator for Fiscal Year 2008-2009 and placing these funds on Controller's Reserve pending issuance of the COPs.

(Fiscal Impact.)

FINALLY PASSED

081510 [Accept and Expend Grant - Juvenile Accountability Block Grant - $200,000]
Supervisor Maxwell

Resolution authorizing the Mayor's Office of Community Investment (MOCI) to accept and expend a grant in the amount of $200,000 from the State Corrections Standards Authority for the purpose of strengthening existing local juvenile justice accountability measures through the Juvenile Accountability Block Grant.

ADOPTED

Recommendations of the Land Use and Economic Development Committee

080872 [Planning - Union Street Neighborhood Commercial District - Full-Service Restaurants]
Supervisor Alioto-Pier

Ordinance amending Planning Code Sections 725.1 and 725.42 of the Union Street Neighborhood Commercial District to provide for a limited number of new full-service restaurant uses that satisfy specific requirements and obtain conditional use authorization, making environmental findings, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

FINALLY PASSED

081372 [Mission Bay North-Park Parcels NP3, NP4 and NP5 Improvements]
Supervisor Daly

Ordinance designating a portion of State Trust Parcel 1, lying next to the Mission Creek Channel for public open space and park purposes; naming the new park "Mission Creek Park"; accepting the irrevocable offer for the acquisition facilities; designating said facilities as public open space and for park purposes and accepting for maintenance responsibilities and liability purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 177,882; and authorizing official acts in connection with this Ordinance. (Public Works Department)

FINALLY PASSED

081564 [Administrative Code - Amendment to Large Tourist Hotel Conversion Ordinance]
Supervisor Peskin

Ordinance amending Administrative Code Chapter 41F to clarify the scope and implementation of the Large Tourist Hotel Conversion Ordinance, including minor edits to the definition of "Convert" and additional guidance regarding the conversion process for Large Tourist Hotel Rooms, and making required findings.

FINALLY PASSED

Recommendations of the Rules Committee

081477 [Settlement of Lawsuit - Laurent Katgely, et al. v. CCSF, et al. (C. Spencer) - $67,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Chez Spencer, a partnership, against the City and County of San Francisco for $67,000; the lawsuit was filed on December 8, 2004 in San Francisco Superior Court, Case No. 436942; entitled Laurent Katgely, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

081478 [Settlement of Lawsuit - Jane Martin, et al. v. CCSF, et al. (IMG Home) - $500,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by IMG Home Corporation against the City and County of San Francisco for $500,000; the lawsuit was filed on January 31, 2005 in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

081479 [Settlement of Lawsuit - Jane Martin, et al. v. CCSF, et al. (N. Quimson) - $45,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Noreen Quimson against the City and County of San Francisco for $45,000; the lawsuit was filed on January 31, 2005 in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

REGULAR AGENDA

UNFINISHED BUSINESS

Vetoed by the Mayor

081088 [Requirement of Conditional Use Authorization for any permit application to remove dwelling units]
Supervisor McGoldrick

Ordinance amending the Planning Code by amending Section 317 to require Conditional Use Authorization for any elimination of existing dwelling units through mergers, conversions, or demolitions of residential units.

NOTE: This action requires two-thirds vote. The Board may not amend the ordinance and may only vote in favor or in opposition to the veto override.
The Board of Supervisors must act on the veto override within 30 days of the date of the veto. The Mayor vetoed the Ordinance on December 19, 2008.
Therefore, the Board will lose the ability to override the veto unless it votes on the veto override on or before January 18, 2009.

Continued to January 13, 2009.

Supervisor McGoldrick, seconded by Supervisor Daly, moved that this Ordinance be CONTINUED ON OVERTURN OF VETO. The motion carried by the following vote:

Ayes: 6 - Campos, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

From the Clerk

081496 **[Adopting findings related to disapproving the categorical exemption issued for the 2626 Filbert Street project]**

Motion adopting findings related to disapproving the determination by the Planning Department that the 2626 Filbert Street project is categorically exempt from environmental review under the California Environmental Quality Act.

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

081467 **[Adopting findings related to disapproving the categorical exemption issued for the 2655 Scott Street project]**

Motion adopting findings related to disapproving the determination by the Planning Department that the 2655 Scott Street project is categorically exempt from environmental review under the California Environmental Quality Act.

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

From the Board

081589 **[Eastern Neighborhoods Zoning Map - Height District for Mission Street theater properties]**

Ordinance amending the San Francisco Zoning Map by amending the height district designation for Assessor's Block 3595, Lot 024 on Mission Street between 19th and 20th Streets and Assessor's Block 3616, Lot 007 on Mission Street between 21st and 22nd Streets to 65-X/85-X; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1. (Planning Department)

FINALLY PASSED by the following vote:

Ayes: 6 - Campos, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Recommendation of the Budget and Finance Committee

081440 **[De-Appropriating $998,145 of General Fund and $761,021 of Federal Direct Grant Revenue for the Community Justice Center for FY 2008-2009]**

Supervisors Daly, McGoldrick, Peskin

Ordinance de-appropriating $998,145 of General Fund in the Mayor's Office of Community Justice and $761,021 of Federal Direct Grant Revenue in the Department of Public Health for the Community Justice Center in Fiscal Year 2008-2009.

(Fiscal Impact.)
(Supervisor Elsbernd dissented in committee.)

FINALLY PASSED by the following vote:

Ayes: 6 - Campos, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Recommendations of the Government Audit and Oversight Committee

081450 **[Real Property Transfer Tax - Change of delinquency date; substitution of references to current laws; conform partnership rule to state law changes; elimination of tax stamp provision and Transfer Tax Review Board]**
Supervisor Peskin

Ordinance amending Sections 1106, 1108, 1108.4,1115, 1115.1 and 1115.3 and deleting Sections 1109, and 1115.2 of Article 12-C of the Business and Tax Regulations Code to (1) change delinquency date; (2) replace references to prior bankruptcy, income tax, and local laws with references to current laws; (3) conform rule for partnership interest transfers to state law changes; (4) eliminate obsolete provision regarding documentary tax stamps; and (5) eliminate Transfer Tax Board of Review and references to that Board.

FINALLY PASSED by the following vote:
Ayes: 6 - Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 4 - Alioto-Pier, Campos, Chu, Dufty

Supervisor Campos, seconded by Supervisor Elsbernd, moved that this Ordinance be PREVIOUS VOTE RESCINDED. The motion carried by the following vote:
Ayes: 8 - Alioto-Pier, Campos, Chu, Dufty, Elsbernd, McGoldrick, Mirkarimi, Peskin
Noes: 2 - Daly, Maxwell

Continued to January 13, 2009.
CONTINUED ON FINAL PASSAGE by the following vote:
Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

081451 **[Property Tax Refund Claim Processing]**
Supervisor Peskin

Ordinance to amend Administrative Code Section 10.2 to delegate to City Attorney the authority to grant or deny property tax refund claims and to establish administrative rules and procedures for City Attorney to follow.

FINALLY PASSED by the following vote:
Ayes: 8 - Campos, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 2 - Alioto-Pier, Dufty

Recommendation of the Land Use and Economic Development Committee

081125 [Promoting and Sustaining Music and Culture in San Francisco]
Supervisors Mirkarimi, Maxwell

Ordinance adding Chapter 90A to the San Francisco Administrative Code to establish a music and culture sustainability policy for City government; provide for development by the Entertainment Commission of a proposal for an on-line permitting system for entertainment-related permits, licenses, and determinations; provide for review by the Entertainment Commission of new criteria for entertainment related permits, licenses, and determinations; establish a process coordinated by the Entertainment Commission for reviewing and possibly revising City Codes to conform to and implement the music and culture sustainability policy; urge the Planning Commission to consider amending the General Plan to conform to and implement that policy; and provide for an annual hearing by the Entertainment Commission to review and make recommendations relating to implementation of that policy.

FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

NEW BUSINESS

Recommendations of the Budget and Finance Committee

081442 [Appropriating $500,000 of Revenue from PGA Tournament Agreement for Harding Park PGA Related Improvements for the Recreation and Park Department in Fiscal Year 2008-2009]
Supervisor Elsbernd

Ordinance appropriating $500,000 of Revenue from the Professional Golf Association (PGA) Tournament Agreement for staffing and improvements to the Harding Park Golf Course per the PGA Tournament Agreement at the Recreation and Park Department for Fiscal Year 2008-2009.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

081388 [Emergency contract to replace the stator core in Kirkwood Powerhouse generator number 1, designated "KPH1" - Not to Exceed $1,327,531]

Resolution approving an emergency public work contract under San Francisco Administrative Code Section 6.60 to replace the stator core in the Kirkwood Powerhouse generator number 1, designated "KPH1." (Public Utilities Commission)

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

081454 **[Approving Central Subway Partnership Contract - Not to Exceed $147,375,171]**

Resolution approving Municipal Transportation Agency Contract No. CS-149, Program Management and Construction Management Services for the Central Subway Project with Central Subway Partnership, A Joint Venture of AECOM USA, Inc. and EPC Consultants in an amount not to exceed $147,375,171 for a term not to exceed five years with an option to extend the term an additional five years. (Municipal Transportation Agency)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

081485 **[WSIP Agreement No. CS-765, Parsons Water and Infrastructure]**

Resolution approving Amendment No. 2 to Agreement No. CS-765, San Francisco Water System Improvement Program – Program/Project/Pre-Construction Management Services with Parsons Water and Infrastructure. (Public Utilities Commission)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

Recommendations of the City Operations and Neighborhood Services Committee

081357 **[Liquor license transfer - 2200 Mission Street]**

Resolution determining that the transfer of a Type 21 off-sale general license from 2767 Lombard Street to 2200 Mission Street (District 9), to Howard Ngo for Duc Loi Supermarket, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

081378 **[Liquor license transfer - 201 Harrison Street, Suite C]**

Resolution determining that the transfer of a Type 21 off-sale general license from 433 Precita Avenue to 201 Harrison Street, Suite C (District 6), to Najwa Osama Habash and Osama Khalil Habash for Main Market Liquor & Deli, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

081455 **[Liquor license transfer - 2200 Jerrold Avenue]**

Resolution determining that the transfer of a Type 20 off-sale beer and wine license from 236 8th Street to 2200 Jerrold Avenue (District 10), to Nelly Ghassan for The Gifted Basket, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

From the City Operations and Neighborhood Services Committee Without Recommendation

081358 **[Liquor license transfer, 115 Mason Street]**

Resolution determining that the transfer of a Type 48 on-sale general public premises liquor license from 232 O'Farrell Street to 115 Mason Street (District 6), to John D. Smith for Union Square Sports Bar Inc., will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code.

Supervisor Chu, seconded by Supervisor Elsbernd, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

Resolution determining that the transfer of a Type 48 on-sale general public premises liquor license from 232 O'Farrell Street to 115 Mason Street (District 6), to John D. Smith for Union Square Sports Bar Inc., will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Supervisor Daly request that the question be divided.

Adoption of the resolution with all of the Police Department's conditions except for the following: 1) Loitering is prohibited on any sidewalks or property ajacent to the licensed premised; 2) The premises shall maintain at least two surveilance cameras at all times when open to the public; 3) During all hours that the premises is open to the public a security guard shall be on-site.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

Adoption of the resolution with the following Police Department's conditions: 1) Loitering is prohibited on any sidewalks or property ajacent to the licensed premised; 2) The premises shall maintain at least two surveilance cameras at all times when open to the public; 3) During all hours that the premises is open to the public a security guard shall be on-site.

ADOPTED by the following vote:

Ayes: 7 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi
Noes: 3 - Campos, Daly, Peskin

Recommendations of the Land Use and Economic Development Committee

070546 **[Zoning Map Amendment - Northwest corner of Divisadero and O'Farrell Streets, Block 1098, Lot 9]**
Supervisor Mirkarimi

Ordinance amending the San Francisco Planning Code by amending Sectional Map 2 of the Zoning Map of the City and County of San Francisco to change the use classification of Block 1098, Lot 9, located at the northwest corner of Divisadero and O'Farrell Streets, from Small-scale Neighborhood Commercial (NC-2) District to Moderate-scale Neighborhood Commercial (NC-3) District; adopting findings, including environmental findings and findings of consistency the General Plan and the Priority Policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

080126 [Planning Code-Amending Article 11 Designation of 545-547 Mission Street]
Supervisors Peskin, Maxwell

Ordinance amending the designation of 545-547 Mission Street (Assessor's Block 3721, Lot 082) from Category V (Unrated) to Category III (Contributory) under Planning Code Article 11; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings. (Planning Department)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

081275 [Summary Vacation of Stevenson Street east of 10th Street]

Ordinance ordering the summary vacation of a portion of Stevenson Street east of 10th Street; adopting findings pursuant to the California Streets and Highways Code Sections 8330 et seq.; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the vacation and sale are in conformity with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing official acts in furtherance of this Ordinance. (Real Estate Department)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Supervisor Daly introduced, welcomed, and presented a Certificate of Honor to Rachel Redondiez, aide to Supervisor Daly, in recongnition of her dedicated work to the City and County of San Francisco.

Supervisors Peskin, Alioto-Pier, Campos, Daly, Dufty, Elsbernd, Chu, Maxwell, and Mirkarimi recognized and congratulated Supervisor McGoldrick for his past 8 years of service as a Member of the Board of Supervisors.

Supervisors Daly, Alioto-Pier, Campos, Dufty, Elsbernd, Chu, Maxwell, McGoldrick and Mirkarimi recognized and congratulated President Peskin for his past 8 years of service as a Member of the Board of Supervisors.

Angela Calvillo, Clerk of the Board, presented a plaque to President Peskin commemorating his last two years holding the Office of President of the Board of Supervisors.

SPECIAL ORDER 4:00 P.M.

081420 [Public Hearing - Conditional Use Appeal for 299 Valencia Street]

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 17739 dated November 6, 2008, relating to the approval of a Conditional Use Authorization (Case No. 2006.0432CV), under Planning Code Sections 121.1, 151.1 and 303 to allow a large-lot mixed-use development providing up to 25 off-street residential parking spaces and 2 car share spaces in an NCT-3 (Moderate-Scale Neighborhood Commercial Transit District) Zoning District and a 50-X Height and Bulk District on property located at 299 Valencia Street, Lot 014 in Assessor's Block No. 3532. (Filed by Jason Henderson on behalf of the Hayes Valley Neighborhood Association and subscribed by Supervisors Peskin, Ammiano, Maxwell, Daly and Mirkarimi; District 6.)

The president inquired as to whether any member of the public wished to address the Board.

Jason Henderson, appellant
Silvia Johnson

Continued to January 13, 2009.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 1 - Dufty

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the conditional use application decision described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

081421 [Approving Planning Commission decision related to Conditional Use Appeal for 299 Valencia Street]

Motion approving decision of the Planning Commission by its Motion No. 17739, approving Conditional Use Application 2006.0432CV on property located at 299 Valencia Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Continued to January 13, 2009.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 1 - Dufty

081422 [Disapproving Planning Commission decision related to Conditional Use Appeal for 299 Valencia Street]

Motion disapproving decision of the Planning Commission by its Motion No. 17739, approving Conditional Use Application 2006.0432CV on property located at 299 Valencia Street. (Clerk of the Board)

Continued to January 13, 2009.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 1 - Dufty

081423 **[Preparation of findings related to the Conditional Use Appeal for 299 Valencia Street]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2006.0432CV on property located at 299 Valencia Street, for action by the Board at its next meeting. (Clerk of the Board)

Continued to January 13, 2009.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 1 - Dufty

COMMITTEE REPORTS

081505 **[Continuation of existing taxi fares and gate fee cap]**
Supervisors Daly, Peskin

Ordinance amending Section 1137 of the Police Code to maintain current taxi fares and gate fee cap.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

081541 **[Appointment, Historical Preservation Commission - Karl Hasz]**

Motion approving the Mayor's nomination for appointment of Karl Hasz to the Historical Preservation Commission, Seat No. 6, for a two-year term ending date to be determined. (Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 081542. Transmittal date – December 4, 2008.)

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

081609 **[Appointment, Historical Preservation Commission - Alan Martinez]**

Motion approving the Mayor's nomination for appointment of Alan Martinez to the Historical Preservation Commission, Seat No. 1, for a four-year term ending date to be determined. (Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 081610. Transmittal date – December 4, 2008.)

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

081615 [Appointment, Small Business Commission - Kathleen Dooley]

Motion appointing Kathleen Dooley, term ending January 6, 2010, to the Small Business Commission.

Vacant seat, succeeding David Chiu, seat 2, resigned, must be appointed by the Board of Supervisors and be an owner, operator, or officer of a San Francisco small business, for the unexpired portion of a four-year term ending January 6, 2010.

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

081549 [Appointment, Historical Preservation Commission - Charles Chase]

Motion approving the Mayor's nomination for appointment of Charles Chase to the Historical Preservation Commission, Seat No. 3, for a four-year term ending date to be determined. (Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 081550. Transmittal date – December 4, 2008.)

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

090001 [Appointment, Historical Preservation Commission - Courtney Damkroger]

Motion approving the Mayor's nomination for appointment of Courtney Damkroger to the Historical Preservation Commission, Seat No. 5, for a four-year term ending date to be determined. (Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 090004. Transmittal date – December 24, 2008.)

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Male speaker; expressed congratulations to the various outgoing Supervisors
Abdullah Megaheed; expressed concern with various issues
James Chaffee; expressed concern with issues relating to the SF Public Library
Male speaker; expressed concern with various issues
Wayne Harman; expressed concern with issues related to the Sunshine Ordinance
Seldon Amanay; expressed concern with issues related to clean and safe streets
Male speaker; expressed concern with issues related to the homeless
Ernestine Wiese; expressed concern with issues related to renaming of Ferry Park and the reputation of former Supervisor Sue Bierman
Jesus; expressed concern with various issues
Sue Hester; expressed concern with issues related to equipment in the Board Chambers
Male speaker; expressed concern with issues related to public access channels
Mark Bitner; expressed concern with issues related to Parrots of Telegraph Hill
Male speaker; expressed concern with issues related to free speech and public comment
Brian Flynn; expressed concern with issues related the performance of Supervisors
Miguel Homes; expressed concern with issues related to unemployment
Joe O'Donahue; expressed congratulations to the various outgoing Supervisors
Lloyd Tebold; expressed concern with issues related to unemployment
Judy Irvine; expressed congratulations to various outgoing Supervisors
Ms. Crowley; expressed congratulations to various outgoing Supervisors
Mr. Holley; expressed congratulation to various outgoing Supervisors

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

081606 [Accept-Expend Federal Grant for Oil Spill Response Planning - $30,965]
Supervisor Chu

Resolution authorizing the Department of Emergency Management (DEM) to accept and expend retroactively a grant in the amount of $30,965 from the California Department of Fish and Game for oil spill response planning, for the period July 1, 2008 through June 30, 2009.

ADOPTED

081607 [Accept and Expend State Grant - Port of San Francisco - $15,000]
Supervisor Maxwell

Resolution authorizing the Port of San Francisco to accept and expend a grant in the amount of $15,000 from the California Department of Boating and Waterways, Abandoned Watercraft Abatement Fund for removal and demolition of abandoned recreational watercraft on the Port's waterfront.

ADOPTED

081580 [Commending San Francisco State University President Robert A. Corrigan]
Supervisors Peskin, Elsbernd

Resolution commending Robert A. Corrigan for twenty years of remarkable service as President of San Francisco State University.

Supervisor Elsbernd requested to be added as a co-sponsor.
ADOPTED

081582 [Adopting findings related to San Francisco Public Utilities Commission Water Treatment Facility and Water Quality Improvements projects in San Joaquin County]
Supervisor Elsbernd

Resolution adopting findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of mitigation monitoring and reporting program and a statement of overriding considerations related to the funding of the San Joaquin Regional Water Quality Improvement Project at two sites in San Joaquin County, and directing the Clerk of the Board of Supervisors to notify the Controller of this action.

ADOPTED

081613 [City actions on expiration of Western Addition A-2 Redevelopment Plan]
Supervisor Mirkarimi

Resolution urging various City actions upon the expiration of the Western Addition A-2 Redevelopment Plan to insure a smooth transition from the Redevelopment Agency to the City's jurisdiction.

ADOPTED

081539 [Final Map - 1536 Pacific Avenue]
Motion approving Final Map 4748, a 6 Unit Residential and 1 Unit Commercial Mixed-Use Condominium Project, located at 1536 Pacific Avenue being a subdivision of Lot 006 in Assessors Block No. 0573 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,972; District 3.)

APPROVED

081579 **[Final Map - 77 Van Ness Avenue]**

Motion approving Final Map 4182, a subdivision of 4 Airspace Parcels, Parcel "A" being a one lot subdivision for residential condominium purposes (50 units), Parcel "B" being a common area airspace parcel, Parcel "C" being a one lot subdivision for commercial condominium purposes (14 units), and Parcel "D" being a one lot subdivision for parking condominium purposes (58 parking spaces) Project, located at 77 Van Ness Avenue being a subdivision of Lot 022 in Assessors Block No. 0834 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,969; District 6.)

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

Severed from For Adoption Without Committee Reference

Supervisor Peskin requested that this matter be severed so that it might be considered separately.

Supervisor Campos Excused From Voting

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved to excuse Supervisor Campos from voting on this matter. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 1 - Campos

081608 **[Appointment to San Francisco Local Agency Formation Commission - Supervisor David Campos]**
Supervisor Mirkarimi

Motion appointing Supervisor Campos for the unexpired portion of a four-year term ending February 20, 2011, to the San Francisco Local Agency Formation Commission.

APPROVED by the following vote:

Ayes: 9 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 1 - Campos

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

081618 **[Settlement Of Lawsuit - Xiaomei Ma v. CCSF - $115,000]**

Ordinance authorizing settlement of Xiaomei Ma's claims in the lawsuit filed by Xiaomei Ma against the City and County of San Francisco for $115,000.00; the lawsuit was filed on April 6, 2007, in the San Francisco Superior Court, Case No. 07-462106, entitled Ma v. City and County of San Francisco. (City Attorney)

12/29/08, RECEIVED AND ASSIGNED to Rules Committee.

081620 **[Zoning - Ordinance relating to the repair of inadvertent errors and omissions discovered in 2008]**

Ordinance amending the Planning Code to correct errors including: 1) amend Section 140(a) to properly reference Section 504 and 503 of the Housing code instead of 501.4 and 501.1, respectively; 2) amend 151 to specify the number of required parking spaces per beds in hospital uses; 3) amend Section 209.8 to link exceptions to "if permitted in the nearest NC District" instead of C-1 and C-2; 4) amend Section 263.9 to properly reference Chart C instead of Charts B and to reference Section 271 instead of Section 270(4) which does not exist; 5) amend Sections 816.67 (SLR District), 817.67 (SLI District), and 818.67 (SSO District) to properly reference Section 225 Wholesaling, Storage, Distribution and Open-Air Handling of Materials and Equipment instead of Section 255 which does not exist; 6) amend Appendix A to Article 10, List of Designated Landmarks to correct the number for certain Landmarks; and 7) amend each neighborhood commercial district and neighborhood commercial transit district to explicitly prohibit Amusement Enterprises as currently defined by Section 790.04, except NC-3 and NCT-3 where Amusement Enterprises would be reviewed as Conditional Use authorization per Section 303; making environmental findings; and findings of consistency with the City's General Plan and Planning Code Section 101.1. (Planning Department)

12/19/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

PROPOSED RESOLUTIONS

081581 **[Approval of Port Lease to Pilara Family Foundation Lease No. L14144 at Pier 24 Annex]**

Resolution approving Port Commission Lease No. L-14144 with the Pilara Family Foundation, a Nevada Non-Profit Corporation ("Pilara") for certain real property located at Pier 24 Annex in the City and County of San Francisco. (Port)

12/17/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

081586 **[Adopting findings related to San Francisco Public Utilities Commission Water System Improvement Program (WSIP)-funded Project No. CUW39101, Baden and San Pedro Valve Lots Improvements Project]**

Resolution adopting findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of mitigation monitoring and reporting program related to the funding of the Baden and San Pedro Valve Lots Improvements Project, CUW39101 and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

12/24/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

081587 **[Adopting findings related to San Francisco Public Utilities Commission Water System Improvement Program (WSIP) Pulgas Balancing - Discharge Channel Modifications Project]**

Resolution adopting findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of mitigation monitoring and reporting program related to the funding of the Pulgas Balancing – Discharge Channel Modifications Project, and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

12/24/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

081617 **[Adopting findings related to San Francisco Public Utilities Commission Bay Division Pipelines Crossover Facilities Project in San Mateo and Santa Clara Counties]**

Resolution adopting findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of mitigation monitoring and reporting program related to the funding of the Bay Division Pipelines 3 and 4 Crossover Facilities Project - CUW38001 at three sites in San Mateo and Santa Clara County, and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

12/24/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

081619 **[Airport Lease and Operating Agreement]**

Resolution approving the exercise of the third of five one-year options to extend the term of Smarte Carte, Inc.'s Luggage Cart Lease and Operating Agreement
No. 01-0343. (Airport Commission)

12/24/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business the Board adjourned at the hour of 4:48 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

VOTES

MEETING MINUTES - DRAFT

Tuesday, January 13, 2009 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Elsbernd, Mirkarimi	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Alioto-Pier, Maufas, Mendoza	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, Elsbernd	1st and 3rd Thursday 1:00 PM
Government Audit and Oversight Committee Supervisors Campos, Maxwell	1st and 3rd Monday 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Campos	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM

DOCUMENTS DEPT
JAN 16 [illegible]
SAN FRANCISCO
PUBLIC LIBRARY

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:03 p.m. On the call of the roll all Supervisors were noted present.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

081442 [Appropriating $500,000 of Revenue from PGA Tournament Agreement for Harding Park PGA Related Improvements for the Recreation and Park Department in Fiscal Year 2008-2009]
Supervisor Elsbernd

Ordinance appropriating $500,000 of Revenue from the Professional Golf Association (PGA) Tournament Agreement for staffing and improvements to the Harding Park Golf Course per the PGA Tournament Agreement at the Recreation and Park Department for Fiscal Year 2008-2009.

(Fiscal Impact.)

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

070546 [Zoning Map Amendment - Northwest corner of Divisadero and O'Farrell Streets, Block 1098, Lot 9]
Supervisor Mirkarimi

Ordinance amending the San Francisco Planning Code by amending Sectional Map 2 of the Zoning Map of the City and County of San Francisco to change the use classification of Block 1098, Lot 9, located at the northwest corner of Divisadero and O'Farrell Streets, from Small-scale Neighborhood Commercial (NC-2) District to Moderate-scale Neighborhood Commercial (NC-3) District; adopting findings, including environmental findings and findings of consistency the General Plan and the Priority Policies of Planning Code Section 101.1.

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

080126 [Planning Code-Amending Article 11 Designation of 545-547 Mission Street]
Supervisor Maxwell

Ordinance amending the designation of 545-547 Mission Street (Assessor's Block 3721, Lot 082) from Category V (Unrated) to Category III (Contributory) under Planning Code Article 11; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings. (Planning Department)

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

081275 [Summary Vacation of Stevenson Street east of 10th Street]

Ordinance ordering the summary vacation of a portion of Stevenson Street east of 10th Street; adopting findings pursuant to the California Streets and Highways Code Sections 8330 et seq.; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the vacation and sale are in conformity with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing official acts in furtherance of this Ordinance. (Real Estate Department)

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Rules Committee

081505 [Continuation of existing taxi fares and gate fee cap]
Supervisor Daly

Ordinance amending Section 1137 of the Police Code to maintain current taxi fares and gate fee cap.

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Vetoed by the Mayor

081088 **[Requirement of Conditional Use Authorization for any permit application to remove dwelling units]**
Ordinance amending the Planning Code by amending Section 317 to require Conditional Use Authorization for any elimination of existing dwelling units through mergers, conversions, or demolitions of residential units.

NOTE: This action requires two-thirds vote. The Board may not amend the ordinance and may only vote in favor or in opposition to the veto override.
The Board of Supervisors must act on the veto override within 30 days of the date of the veto. The Mayor vetoed the Ordinance on December 19, 2008.
Therefore, the Board will lose the ability to override the veto unless it votes on the veto override on or before January 18, 2009.

OVERTURN MAYORAL VETO by the following vote:
Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi
Noes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell

Supervisor Maxwell, seconded by Supervisor Daly, moved to rescind the previous vote.
Motion to rescind the previous vote was passed without objection.

OVERTURN MAYORAL VETO by the following vote:
Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Recommendation of the Government Audit and Oversight Committee

081450 [Real Property Transfer Tax - Change of delinquency date; substitution of references to current laws; conform partnership rule to state law changes; elimination of tax stamp provision and elimination of Transfer Tax Review Board, operative January 1, 2013]
Supervisor Peskin

Ordinance amending Sections 1106, 1108, 1108.4, 1113, 1115, 1115.1 and 1115.3, adding Section 1113.1, and deleting Sections 1109, and 1115.2 of Article 12-C of the Business and Tax Regulations Code to (1) change delinquency date; (2) replace references to prior bankruptcy, income tax, and local laws with references to current laws; (3) conform rule for partnership interest transfers to state law changes; (4) refunds permissible without a claim; (45) eliminate obsolete provision regarding documentary tax stamps; and (56) eliminate Transfer Tax Board of Review and references to that Board.

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Ordinance amending Sections 1106, 1108, 1108.4, 1113, 1115, 1115.1 and 1115.3, adding Section 1113.1, and deleting Sections 1109, and 1115.2 of Article 12-C of the Business and Tax Regulations Code to (1) change delinquency date; (2) replace references to prior bankruptcy, income tax, and local laws with references to current laws; (3) conform rule for partnership interest transfers to state law changes; (4) refunds permissible without a claim; (45) eliminate obsolete provision regarding documentary tax stamps; and (56) eliminate Transfer Tax Board of Review and references to that Board, operative by January 1, 2013.

PASSED ON FIRST READING AS AMENDED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

NEW BUSINESS

Recess

The Board recessed at the hour of 3:33 p.m.

Reconvening of the Board

The Board reconvened at the hour of 4:02 p.m.

Calling the Roll

The following Supervisors were noted present: Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi - 11

SPECIAL ORDER 4:00 P.M.

081420 **[Public Hearing - Conditional Use Appeal for 299 Valencia Street]**

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 17739 dated November 6, 2008, relating to the approval of a Conditional Use Authorization (Case No. 2006.0432CV), under Planning Code Sections 121.1, 151.1 and 303 to allow a large-lot mixed-use development providing up to 25 off-street residential parking spaces and 2 car share spaces in an NCT-3 (Moderate-Scale Neighborhood Commercial Transit District) Zoning District and a 50-X Height and Bulk District on property located at 299 Valencia Street, Lot 014 in Assessor's Block No. 3532. (Filed by Jason Henderson on behalf of the Hayes Valley Neighborhood Association and subscribed by Supervisors Peskin, Ammiano, Maxwell, Daly and Mirkarimi; District 6.)

(Filed 11/14/08; Companion Measure to 081421, 081422, 081423.)

The President inquired as to whether any member of the public wished to address the Board members.
Jason Henderson, Appellant
Andy Thornton; support of the appellant
Carson Guthridge; support of the appellant
Tom Rudolvich; support of the appellant
Cheryl Bragman; support of the appellant
Male speaker; support of the appellant
Sue Vaughan; support of the appellant
Michael Puff; support of the appellant
Mark Solomon; support of the appellant
Mark Caswell; support of the appellant
Alex Martinez; support of the appellant
Robin Levitt; support of the appellant
Peter Cohon; support of the appellant
Ms. Creighton; support of the appellant
Edward Dougherty; support of the appellant
Edmund; support of the appellant

AnMarie Rodgers, Representative of the Planning Department reviewed with the Board its recommendations.

David Silverman; Representative for the project sponsor
Michael Levin; Architect for the project sponsor
Rachel Turner; support of the project sponsor

Appellant Rebuttal: Jason Henderson
The President declared the public hearing closed.
Heard at public hearing.
FILED.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the conditional use application decision described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

081421 **[Approving Planning Commission decision related to Conditional Use Appeal for 299 Valencia Street]**
Motion approving decision of the Planning Commission by its Motion No. 17739, approving Conditional Use Application 2006.0432CV on property located at 299 Valencia Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

081422 **[Disapproving Planning Commission decision related to Conditional Use Appeal for 299 Valencia Street]**
Motion disapproving decision of the Planning Commission by its Motion No. 17739, approving Conditional Use Application 2006.0432CV on property located at 299 Valencia Street. (Clerk of the Board)

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be APPROVED. The motion FAILED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Supervisor Daly, seconded by Supervisor Elsbernd, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

081423 **[Preparation of findings related to the Conditional Use Appeal for 299 Valencia Street]**
Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2006.0432CV on property located at 299 Valencia Street, for action by the Board at its next meeting. (Clerk of the Board)

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Supervisor Daly, seconded by Supervisor Elsbernd, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

James Chaffee; expressed concern with issues relating to the SF Public Library
Eartha Maguire; expressed concern with issues relating to Department of Public Health budget reductions
Ray Hartz; expressed concern with issues relating to the time allotted for public comment requested that public be allowed 3 minutes
Male speaker; expressed concern with issues relating to immigrants and the
Female speaker; expressed concern with issues relating to the reduction to the Department of Public Health budget reductions
Joann Bremmer; expressed concern with issues relating to the Department of Public Health budget reductions
Rachel Abdell; expressed concern with issues relating to the Department of Public Health budget reductions
Department of Public Health Nurse; expressed concern with issues relating to the Department of Public Health budget reductions
Robin Sayer; expressed concern with issues relating to the Department of Public Health budget reductions
Michael Lyons; expressed concern with issues relating to the Department of Public Health budget reductions
Abdullah Megahed; congratulated the newly elected members of the Board of Supervisors
Walter; shared in song various issues with the Board members
Bobby Lopes; expressed concern with issues relating to the Department of Public Health budget reductions
Brenda; expressed concern with issues relating to the Department of Public Health budget reductions
Male speaker; expressed concern with issues relating to the Department of Public Health budget reductions
Bill Kennedy; expressed concern with the Board members involvement in foreign affairs
Monique; expressed concern with issues relating to the Department of Public Health budget reductions
Female speaker; expressed concern with issues relating to the Department of Public Health budget reductions
Bob Westwood; expressed concern with issues relating to the Department of Public Health budget reductions
Shirley Chan; expressed concern with issues relating to the Department of Public Health budget reductions
Genilla; expressed concern with issues relating to the Department of Public Health budget reductions
Ms. Alexander; expressed concern with issues relating to the Department of Public Health budget reductions
Jennifer Freidenbach; expressed concern with issues relating to the Department of Public Health budget reductions
Peter Warfield; expressed concern with issues relating to the SF Public Library fees
Male speaker; expressed concern with issues relating to the Department of Public Health budget reductions
Jack Olsen; expressed concern with issues relating to the Department of Public Health budget reductions
Charles Rivera; expressed concern with issues relating to the Department of Public Health budget reductions
Robert Haaland; expressed concern with issues relating to the Department of Public Health budget reductions
Katherin Gudha; expressed concern with issues relating to the Department of Public Health budget reductions
Female speaker; expressed concern with issues relating to the Department of Public Health budget reductions
Edmond; congratulated the newly elected members of the Board of Supervisors

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

090014 **[Congratulating Mike Singletary on being named the 16th head coach in San Francisco 49ers franchise history and congratulating Jed York on being named Team President of San Francisco 49ers]**
Supervisors Dufty, Elsbernd

Resolution congratulating Mike Singletary on being named the 16th head coach in San Francisco 49ers franchise history and congratulating Jed York on being named Team President of San Francisco 49ers.

Supervisor Elsbernd requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090015 **[Lee Mallory Day - January 10, 2009]**
Resolution declaring January 10th, 2009, as Lee Mallory Day in San Francisco.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090016 **[Condemning recent acts of vandalism on Most Holy Redeemer Church]**
Supervisors Dufty, Campos, Elsbernd

Resolution condemning recent acts of vandalism on Most Holy Redeemer Church.

Supervisors Campos and Elsbernd requested to be added as co-sponsors.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090017 **[Commending the success of the 2008 Emerald Bowl and the efforts of Gary Cavalli in directing this fantastic event]**
Supervisor Dufty

Resolution commending the success of the 2008 Emerald Bowl and the efforts of Gary Cavalli in directing this fantastic event.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090018 **[Urging Mayor Gavin Newsom and the San Francisco Public Utilities Commission to seek funds from President Elect Obama's economic stimulus and infrastructure package]**
Supervisors Dufty, Chu, Alioto-Pier, Campos

Resolution urging Mayor Gavin Newsom and the San Francisco Public Utilities Commission to seek funds from President Elect Obama's economic stimulus and infrastructure package to continue San Francisco's utility undergrounding program.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:53 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES
GOVERNMENT DOCUMENTS DEPT
JAN 29 2009
SAN FRANCISCO PUBLIC LIBRARY

Tuesday, January 27, 2009 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Chu	Wednesday 1:00 PM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Yee, Fewer, Commissioners Maufas	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly, Alioto-Pier	1st and 3rd Thursday 1:00 PM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	1st and 3rd Monday 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Campos, Mirkarimi, Alioto-Pier	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Daly, Chu, Campos	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:03 p.m. On the call of the roll all Supervisors were noted present.

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved to approve the minutes of December 9, 2008 and December 16, 2008. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

AGENDA CHANGES

COMMUNICATIONS

The Acting Clerk of the Board informed the Board of Supervisors that the Clerk of the Board was in receipt of a correspondence from the Mayor communicating the Mayor's Veto of legislation contained in File Nos. 081589 which would lower the heigh and bulk designation of two parcels from 85-X . (New Mission Theater and El Capitan Theater sites)
This matter will be considered at the February 3, 2009 Board meeting.

The Acting Clerk of the Board informed the Board of Supervisors that the Clerk of the Board was in receipt of a correspondence from the Mayor communicating the Mayor's Veto of legislation contained in File Nos. 081440 which would de-appropriate $998,145 of General Fund in the Mayor's Office of Criminal Justice and $761,021 of Federal Direct Grant Revenue in the Department of Public Health.
This matter will be considered at the February 3, 2009 Board meeting.

CONSENT AGENDA

Recommendations of the Rules Committee

081395 **[Settlement of Lawsuit - Denise Caicedo - $47,500.00]**

Ordinance authorizing settlement of the lawsuit filed by Denise Caicedo against the City and County of San Francisco for $47,500.00; the lawsuit was filed on September 22, 2006 in Superior, Case No. 456-426; entitled Denise Caicedo v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

081618 **[Settlement Of Lawsuit - Xiaomei Ma v. CCSF - $115,000]**

Ordinance authorizing settlement of Xiaomei Ma's claims in the lawsuit filed by Xiaomei Ma against the City and County of San Francisco for $115,000.00; the lawsuit was filed on April 6, 2007, in the San Francisco Superior Court, Case No. 07-462106, entitled Ma v. City and County of San Francisco. (City Attorney)

PASSED, ON FIRST READING

081363 **[Settlement of Unlitigated Tax-Related Matter with Internal Revenue Service]**

Resolution authorizing settlement of unlitigated tax-related matter with the Internal Revenue Service regarding potential tax liability. (City Attorney)

ADOPTED

081390 **[Appointments, Shelter Monitoring Committee - Rita P. Lark, Elihu Hernandez, Aubrey Moore, Ramses Teon-Nichols, Diana Greer and Amanda Thompson]**

Motion appointing Rita P. Lark, Elihu Hernandez, Aubrey Moore, Ramses Teon-Nichols, Diana Greer and Amanda Thompson, terms ending November 23, 2010, to the Shelter Monitoring Committee.

APPROVED

081403 **[Appointments - Citizens General Obligation Bond Oversight Committee - Robert Muscat and Kristen Chu]**

Resolution appointing Robert Muscat and Kristen Chu, terms ending November 21, 2010, to the Citizens General Obligation Bond Oversight Committee.

ADOPTED

081430 **[Appointments, Children's Collaborative Task Force - Sharon Olken, Leslie Trook, Dr. Rondall Lane and Markus Hunt]**

Motion appointing Sharon Olken, Leslie Trook, Dr. Rondall Lane and Markus Hunt to the Children's Collaborative Task Force, residency requirement waived.

APPROVED

081481 **[Appointments, Pedestrian Safety Advisory Committee - Richard Rothman]**

Motion appointing Richard Rothman, term ending March 28, 2009, to the Pedestrian Safety Advisory Committee.

APPROVED

081482 **[Appointments, Peak Oil Preparedness Task Force - Woody Hastings]**

Motion appointing Woody Hastings, term ending March 27, 2009, to the Peak Oil Preparedness Task Force.

APPROVED

081534 **[Appointments, Bicycle Advisory Committee - Richard Tilles, Jared Washkowitz and Elbert Hill]**
Motion appointing Richard Tilles, Jared Washkowitz and Elbert Hill, terms ending November 19, 2010, to the Bicycle Advisory Committee.

APPROVED

The foregoing items were acted upon by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Government Audit and Oversight Committee

081450 **[Real Property Transfer Tax - Change of delinquency date; substitution of references to current laws; conform partnership rule to state law changes; elimination of tax stamp provision and elimination of Transfer Tax Review Board, operative January 1, 2013]**
Ordinance amending Sections 1106, 1108, 1108.4, 1113, 1115, 1115.1 and 1115.3, adding Section 1113.1, and deleting Sections 1109, and 1115.2 of Article 12-C of the Business and Tax Regulations Code to (1) change delinquency date; (2) replace references to prior bankruptcy, income tax, and local laws with references to current laws; (3) conform rule for partnership interest transfers to state law changes; (4) refunds permissible without a claim; (45) eliminate obsolete provision regarding documentary tax stamps; and (56) eliminate Transfer Tax Board of Review and references to that Board, operative by January 1, 2013.

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

NEW BUSINESS

Recommendations of the Budget and Finance Committee

081535 **[Waiver of Administrative Code Sections 6.40 and 6.41 to allow award of agreement for program construction management services without a competitive procurement process]**
Ordinance granting the San Francisco Public Utilities Commission a waiver of Administrative Code Sections 6.40 and 6.41 to allow award of Agreement No. CS-963, Program Construction Management Services, without a competitive procurement process. (Public Utilities Commission)

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:
Ayes: 8 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Campos

081536 [WSIP Agreement No. CS-963, Program Construction Management Services - Not to Exceed $26,000,000]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute the Water System Improvement Program-funded Agreement No. CS-963, Program Construction Management Services, with AECOM WATER, for an amount not to exceed $26,000,000 with a term of up to seven (7) years, pursuant to San Francisco Charter Section 9.118, if the Board of Supervisors has approved an ordinance waiving procurement requirements of San Francisco Administrative Code Sections 6.40 and 6.41, and that ordinance is effective. (Public Utilities Commission)

(Fiscal Impact.)

Continued to February 3, 2009

Supervisor Mirkarimi, seconded by Supervisor Dufty, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

081419 [Amendment to a Contract with Stratus Technologies, Inc. to Extend the Term for More than Ten Years]

Resolution retroactively authorizing the Department of Technology to enter into the Fifth, Sixth and Seventh Amendment of an agreement with Stratus Technologies, Inc., to extend the term of the agreement to fourteen years. (Department of Technology)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

081468 [Emergency contract to design and install new, compliant emergency electrical generation system at San Francisco General Hospital]

Resolution approving an emergency public work contract under San Francisco Administrative Code Section 6.60, to install a new, permanent emergency electrical generation system at San Francisco General Hospital. (Public Works Department)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the City Operations and Neighborhood Services Committee

081460 [Proposed Contemporary Art Museum]

Supervisor Alioto-Pier

Resolution supporting the location of the proposed Contemporary Art Museum in the City and County of San Francisco.

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 2 - Daly, Mirkarimi

081462 **[Liquor license transfer, 1957 Union Street]**

Resolution determining that the transfer of a Type 20 off-sale beer and wine license from 599 Clement Street to 1957 Union Street (District 2), to Melissa Gisler for Gusto Partners, LLC, dba Spuntino di Ottimista, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

081586 **[Adopting findings related to San Francisco Public Utilities Commission Water System Improvement Program (WSIP)-funded Project No. CUW39101, Baden and San Pedro Valve Lots Improvements Project]**

Resolution adopting findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of mitigation monitoring and reporting program related to the funding of the Baden and San Pedro Valve Lots Improvements Project, CUW39101 and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

081587 **[Adopting findings related to San Francisco Public Utilities Commission Water System Improvement Program (WSIP) Pulgas Balancing - Discharge Channel Modifications Project]**

Resolution adopting findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of mitigation monitoring and reporting program related to the funding of the Pulgas Balancing – Discharge Channel Modifications Project, and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

081617 **[Adopting findings related to San Francisco Public Utilities Commission Bay Division Pipelines Crossover Facilities Project in San Mateo and Santa Clara Counties]**

Resolution adopting findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of mitigation monitoring and reporting program related to the funding of the Bay Division Pipelines 3 and 4 Crossover Facilities Project - CUW38001 at three sites in San Mateo and Santa Clara County, and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Rules Committee

081199 **[Medical Cannabis Act Revisions]**

Mayor

Ordinance approving amendments to the Medical Cannabis Act to clarify that a medical cannabis dispensary shall be a cooperative or collective and shall operate as a non-profit.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

081511 [Reentry Council]
Supervisor Mirkarimi

Ordinance amending the San Francisco Administrative Code by modifying Section 5.1-3 to clarify that the Board of Supervisors shall appoint four, rather than three, of the members of the Reentry Council who are former inmates, and to exempt all members of the Reentry Council from the requirement that they be electors of the City and County.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Daly Excused From Voting

Supervisor Dufty, seconded by Supervisor Chu, moved to excuse Supervisor Daly on the following item. The motion carried by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Daly

090036 [Appointment, Metropolitan Transportation Commission - Chris Daly]

Motion appointing Supervisor Chris Daly, term ending February 10, 2011, to the Metropolitan Transportation Commission.

APPROVED by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Daly

Board of Supervisors Sitting As a Committee of the Whole

090039 [Hearing - Emergency ordinance modifying procedures and deadlines for a June 2, 2009 election]

Hearing to consider the possible adoption of an emergency ordinance (1) finding that an emergency exists for purposes of Charter Section 2.107; (2) modifying various election procedures and deadlines for a June 2, 2009 special election; and (3) identifying the proposed revenue measures that would be submitted using the modified procedures.

The following speakers expressed concern over the modification to election procedures and calling for a special election for June 2, 2009.
John Bardis; male speaker; Robert Haaland; Rob Black, SF Chamber of Commerce.

The President inquired as to whether any member of the public wished to address the Board members.
The President declared the public hearing closed.

FILED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090009 [Modifying election procedures and deadlines for a June 2, 2009 election]

Emergency ordinance (1) finding that an emergency exists for purposes of Charter Section 2.107; (2) modifying various election procedures and deadlines for a June 2, 2009 special election; and (3) identifying the proposed revenue measures that would be submitted using the modified procedures.

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved to further amend on page 1, line 23, after "conditions" by adding "and the City's structural budget deficit".
Motion to further amend was passed without objection.

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved to continue File Nos. 09009 as amended to February 3, 2009.
Motion to continue this matter to February 3, 2009 failed by the following vote:
Ayes: 3 - Alioto-Pier, Chu, Elsbernd
Noes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi

Supervisor Daly move to duplicate the file. (See File No. 090106)
Supervisor Avalos, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

FINALLY PASSED by the following vote:
Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

090106 [Modifying election procedures and deadlines for a June 2, 2009 election]

Emergency ordinance (1) finding that an emergency exists for purposes of Charter Section 2.107: (2) modifying various election procedures and deadlines for a June 2, 2009 special election; and (3) identifying the proposed revenue measures that would be submitted using the modified procedures.

Supervisor Avalos, seconded by Supervisor Mirkarimi, moved to amend on page 4, line 19, by adding "8. A possible new vehicle impact fee, on vehicles in San Francisco to mitigate the cost of impacts of vehicles on City streets;
and "9. A possible new tax to discourage consumption of energy that produces a large carbon footprint".
Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved to further amend by adding on page 4, line 23, by adding "10. A possible new charter amendment requiring one time revenues be spent on one time expenditures."

Motion to amend passed without objection.
Continued to February 3, 2009 with the Board sitting as a Committee of the Whole.
Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED AS AMENDED ON FINAL PASSAGE. The motion carried by the following vote:
Ayes: 7 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Elsbernd, Maxwell

090040 [Hearing - Resolution calling a municipal special election for June 2, 2009]

Hearing to consider the possible adoption of a resolution calling for a municipal special election to be held June 2, 2009, for the purpose of submitting revenue and fiscal measures to the voters.

The following speakers expressed concern over the modification to election procedures and calling for a special election for June 2, 2009.
John Bardis; male speaker; Robert Haaland; Rob Black, SF Chamber of Commerce.

The President inquired as to whether or not any member of the public wished to address the Board members.
The President declared the public hearing closed.

FILED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090010 [Calling a municipal special election for June 2, 2009]

Resolution calling for a municipal special election to be held June 2, 2009, for the purpose of submitting revenue and fiscal measures to the voters.

(Fiscal Impact.)

Continued to February 3, 2009.

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090041 [Hearing - Ordinance amending the Fiscal Year 2008-2009 Annual Appropriation Ordinance]

Hearing to consider the possible adoption of an Ordinance amending the FY 2008-2009 Annual Appropriation Ordinance and authorizing the Controller and the Director of Human Resources to amend the Annual Appropriation Ordinance and the Annual Salary Ordinance for Fiscal Year 2008-2009 to reflect the Mayor's Mid-Year Adjustment Plan, and to reduce other selected Department appropriations, including management positions.

The following speakers expressed concern over the proposed mid-year budget FY 2008-09 adjustments/cuts to Health Services and other City Services:
Ms. Bowie; Abdullah Megaheed; female speaker; Carmen Henesey; Larry Nelson; Rachael Richman; Helen Rodriguez; Meg Barton; male speaker; Sister Elaine Jones; Marlina Blackins; Christopher Delenhop; Charles Begile; female speaker; Richard Rothman; Laura Guzman; Ms. Riley; Thomas Jenkins; Josh Bindings; Cynthia Citizen; Mr. Patella, SRO Collaborative; Ron Gouldman; N. Keaton, SF Symphony; Victoria Dolsta; Victoria Vkstolva; Ms. Thompson; Alexandra Deconte; Ireme Pang; Kye Sans; Michael Sanderson; Leng Quoke; Ms. Pung; Jennifer Friedenback; Mr. Perio; Bob Offer-Westort; Rosario Thompson; Jeff Buckley; Kimo Leila; Bruce Fisher; Jennie Cris; Katie Riesinger; Bruce Ellison; male speaker; Michael; Leslie Harrison; male speaker; Liz Brown; Rona Johnston;Ken Mitcloud; Angelica Velacruz; Judy Young, Vietnamese Youth Development Center; Tek Tran; Vietnamese Youth Development Center; Daniela Mak; Damilidan; male speaker; Joahne Desmon; Ruben Goldberg; George Johnson; Dale Albright; Leonard Wiroskly; Andra Ward; Alice Wong; Ricky Heng; Charles Herrera; Monique Elemin; Renee Elsman; Brenda Marris; Susan Rebecca; Ms. Guiresso; Ben Johnson; Joe Al Mogana; Linda Nugyen; Michael Lyon; Lorie Belansky; female speaker; Cathern Hambell; Johnathan Rogers; Wye Ching Quan; female speaking Chinese; female speaker; Alexandra; Mr. De La Cruz; Wendy Bastine; Stephanie Ashley; Naomi Ackers; Mr. Novino; Keet Sigrass; Rachel Richman, Policy Director,Local 21; Barbara Lopez; Walter James; Frank Martin Del Campo, Local 21; Andy Shomir; female speaker; Carol Harvey; Ms. Capinay; male speaker; Lindsley Perkinson; Ema Gerald, L1021; Ed Hinchley; Chirs Bowman; Barbara Keycome; Carla Wilson; Stokeson; David Williams; Clara, Homeless Alliance; Martha Hawthrone; Johnathan Leda; Wayne Scott; Bob Offer-Westort; Sara; Mr. Carline; Richard Chavo; Greg Larry; Renaldo Pena; George Diaz; Debbie Lerman; Arman Es Ert; Ann Ling; Ms. Mie; Kathy Gremer; Crystie Choi; Mark Trout; female speaker; Jesus Diaz; Elizabeth Alexander; Sylvia Johnson; Rebecca Ryan; Sherry Shin; Robert Haaland.

The President inquired as to whether any member of the public wished to address the Board members.
The President declared the public hearing closed.

FILED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090013 [Amending the Fiscal Year 2008-2009 Annual Appropriation Ordinance]

Ordinance amending the FY 2008-2009 Annual Appropriation Ordinance and authorizing the Controller and the Director of Human Resources to amend the Annual Appropriation Ordinance and the Annual Salary Ordinance for Fiscal Year 2008-2009 to reflect the Mayor's Mid-Year Adjustment Plan, and to reduce other selected Department appropriations, including management positions.

(Fiscal Impact.)

Supervisor Daly requested to be removed as a sponsor.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Referred as amended to Committee.

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Ordinance be REFERRED to the Budget and Finance Committee. The motion carried by the following vote:

Ayes: 6 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell
Noes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi

090023 [Public Health services mid-year cuts]
Supervisor Daly

Hearing to discuss mid-year cuts of public health services.

The following speakers expressed concern over the proposed mid-year budget FY 2008-09 adjustments/cuts to Health Services and other City Services:

Ms. Bowie; Abdullah Megaheed; female speaker; Carmen Henesey; Larry Nelson; Rachael Richman; Helen Rodriguez; Meg Barton; male speaker; Sister Elaine Jones; Marlina Blackins; Christopher Delenhop; Charles Begile; female speaker; Richard Rothman; Laura Guzman; Ms. Riley; Thomas Jenkins; Josh Bindings; Cynthia Citizen; Mr. Patella, SRO Collaborative; Ron Gouldman; N. Keaton, SF Symphony; Victoria Dolsta; Victoria Vkstolva; Ms. Thompson; Alexandra Deconte; Ireme Pang; Kye Sans; Michael Sanderson; Leng Quoke; Ms. Pung; Jennifer Friedenback; Mr. Perio; Bob Offer-Westort; Rosario Thompson; Jeff Buckley; Kimo Leila; Bruce Fisher; Jennie Cris; Katie Riesinger; Bruce Ellison; male speaker; Michael; Leslie Harrison; male speaker; Liz Brown; Rona Johnston;Ken Mitcloud; Angelica Velacruz; Judy Young, Vietnamese Youth Development Center; Tek Tran; Vietnamese Youth Development Center; Daniela Mak; Damilidan; male speaker; Joahne Desmon; Ruben Goldberg; George Johnson; Dale Albright; Leonard Wiroskly; Andra Ward; Alice Wong; Ricky Heng; Charles Herrera; Monique Elemin; Renee Elsman; Brenda Marris; Susan Rebecca; Ms. Guiresso; Ben Johnson; Joe Al Mogana; Linda Nugyen; Michael Lyon; Lorie Belansky; female speaker; Cathern Hambell; Johnathan Rogers; Wye Ching Quan; female speaking Chinese; female speaker; Alexandra; Mr. De La Cruz; Wendy Bastine; Stephanie Ashley; Naomi Ackers; Mr. Novino; Keet Sigrass; Rachel Richman, Policy Director,Local 21; Barbara Lopez; Walter James; Frank Martin Del Campo, Local 21; Andy Shomir; female speaker; Carol Harvey; Ms. Capinay; male speaker; Lindsley Perkinson; Ema Gerald, L1021; Ed Hinchley; Chirs Bowman; Barbara Keycome; Carla Wilson; Stokeson; David Williams; Clara, Homeless Alliance; Martha Hawthrone; Johnathan Leda; Wayne Scott; Bob Offer-Westort; Sara; Mr. Carline; Richard Chavo; Greg Larry; Renaldo Pena; George Diaz; Debbie Lerman; Arman Es Ert; Ann Ling; Ms. Mie; Kathy Gremer; Crystie Choi; Mark Trout; female speaker; Jesus Diaz; Elizabeth Alexander; Sylvia Johnson; Rebecca Ryan; Sherry Shin; Robert Haaland.

The President inquired as to whether any member of the public wished to address the Board members.
The President declared the public hearing closed.

FILED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdullah Megaheed; expressed concern with various issues
James Chaffee; expressed concern with issues relating to the SF Public Library
Ray Garsa; expressed concern with issues relating to the open government process and the Sunshine Ordinance Task Force complaints
Mark Trout; expressed concern with issues relating to various issues

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Supervisors Alioto-Pier and Maxwell were noted absent at 9:10 p.m.

090028 **[Commending Winna Davis and her lifetime commitment in helping the children, youth, and families of San Francisco]**
Supervisor Dufty

Resolution commending Winna Davis and her lifetime commitment in helping the children, youth, and families of San Francisco.

ADOPTED

090029 **[Reauthorization of Food Security Task Force]**
Supervisor Maxwell

Resolution extending the sunset provisions of the Food Security Task Force to January 31, 2010.

ADOPTED

090031 **[Accept-Expend Grant - Office of the Public Defender - $50,000]**
Mayor, Supervisor Mirkarimi

Resolution authorizing the Office of the Public Defender to accept and expend a grant in the amount of $50,000 from The San Francisco Foundation for consulting services to support the development of data collection tools and service standards in support of the new Reentry Council.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi
Absent: 2 - Alioto-Pier, Maxwell

Severed from the For Adoption Without Committee Reference

090030 [Urging the Board of Directors of the Bay Area Rapid Transit District (BART) to establish an independent Civilian Oversight body to investigate claims of BART Police misconduct]
Supervisors Campos, Mirkarimi, Maxwell, Dufty

Resolution urging the BART Board of Directors to immediately establish an independent Civilian Oversight body to investigate claims of misconduct by the BART Police, and urging our State Representatives to pass legislation requiring that BART have independent third-party civilian oversight of its Police force.

Supervisor Campos requested that this matter be severed so that it can be considered separately.

ADOPTED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi
Absent: 2 - Alioto-Pier, Maxwell

Supervisor Daly requested that this matter be severed so that it might be considered separately.

Supervisor Mirkarimi Excused From Voting

Supervisor Daly, seconded by Supervisor Dufty, moved to excuse Supervisor Mirkarimi from voting on this matter.. The motion carried by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar
Absent: 2 - Alioto-Pier, Maxwell
Excused: 1 - Mirkarimi

Supervisor Daly requested that this item severed so that it can be considered separately.

090034 [Nominating Supervisor Mirkarimi for California Coastal Commission]
Supervisor Chiu

Motion nominating Supervisor Ross Mirkarimi for the North Coast Central seat on the California Coastal Commission.

APPROVED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar
Absent: 2 - Alioto-Pier, Maxwell
Excused: 1 - Mirkarimi

Supervisor Daly requested that this item severed so that it can be considered separately.

090048 **[Board of Supervisors to sit as a Committee of the Whole - January 27, 2009, Amendment to Annual Appropriation Ordinance]**

Supervisor Chiu

Motion that the Board convenes as a Committee of the Whole on January 27, 2009, to consider an amendment to the Annual Appropriation Ordinance and the Annual Salary Ordinance for fiscal Year 2008-2009.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090049 **[Board of Supervisors to sit as a Committee of the Whole - January 27, 2009, Hearing on Mid-Year Cuts to Public Health Services]**

Supervisor Chiu

Motion that the Board convenes as a Committee of the Whole on January 27, 2009, to consider Board of Supervisors file number 090023, a hearing to discuss mid-year cuts of public health services.

APPROVED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Alioto-Pier, Elsbernd

090050 **[Board of Supervisors to sit as a Committee of the Whole - January 27, 2009, Special Election June, 2009]**

Supervisor Chiu

Motion that the Board convenes as a Committee of the Whole on January 27, 2009, to consider legislation related to a special election to be held in June, 2009.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

090044 **[Settlement of Lawsuit - Computers For Marketing Corporation - $42,000]**

Ordinance authorizing settlement of the lawsuit filed by Computers For Marketing Corporation against the City and County of San Francisco for $42,000; the lawsuit was filed on June 15, 2007 in San Francisco Superior Court, Case No. 464-348; entitled Computers for Marketing Corporation, et al., v. City and County of San Francisco, et al. (City Attorney)

1/20/09, RECEIVED AND ASSIGNED to Rules Committee.

090045 [Settlement of Lawsuit - Susan Howard - $175,000]

Ordinance authorizing settlement of the lawsuit filed by Susan Howard against the City and County of San Francisco for $175,000; the lawsuit was filed on February 14, 2007 in San Francisco Superior Court, Case No. 460-454; entitled Susan Howard, et al., v. City and County of San Francisco, et al. (City Attorney)

1/20/09, RECEIVED AND ASSIGNED to Rules Committee.

090046 [Settlement of Lawsuits - Robert Weaver, et al., Michael Moynihan, et al., and Peter A. Green, et al.]

Ordinance authorizing settlement of plaintiffs' claims in the lawsuits filed by Robert Weaver, et al., Michael Moynihan, et al., and Peter A. Green, et al., acting for themselves and others similarly situated, against the City and County of San Francisco for $1,291,741.11 plus 7% simple interest from January 4, 2009 to date of payment; the lawsuits were filed on: (a) April 14, 2003, in the United States District Court for the Northern District of California, Case No. 03-1589 SI, entitled Weaver, et al. v. City and County of San Francisco; (b) November 14, 2006 in the United States District Court for the Northern District of California, Case No. 06-7071 SI, entitled Moynihan, et al. v. City and County of San Francisco; and (c) November 7, 2006 in the United States District Court for the Northern District of California, Case No. 06-6953 SI, entitled Green, et al. v. City and County of San Francisco. (City Attorney)

1/20/09, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

090042 [Public Auction - Tax-defaulted Real Property]

Resolution authorizing Tax Collector to sell at public auction certain parcels of tax-defaulted real property. (Treasurer-Tax Collector)

1/7/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090043 [Approving First Amendment to Agreement between the San Francisco Public Utilities Commission and Santa Clara Valley Water District for Operation and Maintenance of the Intertie pursuant to Charter Section 9.118]

Resolution approving First Amendment to the Operation and Maintenance Agreement between the San Francisco Public Utilities Commission (SFPUC) and Santa Clara Valley Water District (SCVWD) for the Intertie pursuant to Charter Section 9.118. (Public Utilities Commission)

1/12/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

The meeting adjourned at 9:25 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

***City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689***

VOTES

MEETING MINUTES - DRAFT

Tuesday, February 3, 2009 2:00 PM

**Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689**

Regular Meeting

***DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI***

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Chu	Wednesday 1:00 PM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly, Alioto-Pier	1st and 3rd Thursday 1:00 PM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	1st and 3rd Monday 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Campos, Mirkarimi, Alioto-Pier	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Daly, Chu, Campos	1st and 3rd Thursday 10:00 AM

GOVERNMENT
DOCUMENTS DEPT

FEB - 6 2009

SAN FRANCISCO
PUBLIC LIBRARY

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:03 p.m. On the call of the roll all Supervisors were noted present.

AGENDA CHANGES

CONSENT AGENDA

Recommendation of the Public Safety Committee

081599 [Accept and Expend grant - US Department of Justice, Office of Violence Against Women - $499,755] Supervisor Elsbernd

Resolution authorizing the Mayor's Office of Community Investment (MOCI) to accept and expend a grant in the amount of $499,755 from the Department of Justice (DOJ), Office of Violence Against Women (OVW), FY 2008 Enhanced Training and Services to End Violence Against and Abuse of Women Later in Life Program.

ADOPTED

Recommendations of the Rules Committee

081395 [Settlement of Lawsuit - Denise Caicedo - $47,500.00]

Ordinance authorizing settlement of the lawsuit filed by Denise Caicedo against the City and County of San Francisco for $47,500.00; the lawsuit was filed on September 22, 2006 in Superior Court, Case No. 456-426; entitled Denise Caicedo v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

081618 [Settlement Of Lawsuit - Xiaomei Ma v. CCSF - $115,000]

Ordinance authorizing settlement of Xiaomei Ma's claims in the lawsuit filed by Xiaomei Ma against the City and County of San Francisco for $115,000.00; the lawsuit was filed on April 6, 2007, in the San Francisco Superior Court, Case No. 07-462106, entitled Ma v. City and County of San Francisco. (City Attorney)

FINALLY PASSED

081199 [Medical Cannabis Act Revisions]
Mayor

Ordinance approving amendments to the Medical Cannabis Act to clarify that a medical cannabis dispensary shall be a cooperative or collective and shall operate as a non-profit.

FINALLY PASSED

081511 [Reentry Council]
Supervisor Mirkarimi

Ordinance amending the San Francisco Administrative Code by modifying Section 5.1-3 to clarify that the Board of Supervisors shall appoint four, rather than three, of the members of the Reentry Council who are former inmates, and to exempt all members of the Reentry Council from the requirement that they be electors of the City and County.

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Vetoed by the Mayor

Appointment of President Pro Tempore

At the request of the President, Supervisor Campos assumed the Chair so the President could participate in the debate from the floor concerning the following item.

081440 **[De-Appropriating $998,145 of General Fund and $761,021 of Federal Direct Grant Revenue for the Community Justice Center for FY 2008-2009]**

Supervisor Daly

Ordinance de-appropriating $998,145 of General Fund in the Mayor's Office of Community Justice and $761,021 of Federal Direct Grant Revenue in the Department of Public Health for the Community Justice Center in Fiscal Year 2008-2009.

NOTE: This action requires two-thirds vote. The Board may not amend the ordinance and may only vote in favor or in opposition to the veto override.
The Board of Supervisors must act on the veto override within 30 days of the date of the veto. The Mayor vetoed the Ordinance on January 16, 2009. Therefore, the Board will lose the ability to override the veto unless it votes on the veto override on or before February 10, 2009.
(Fiscal Impact.)
(Supervisor Elsbernd dissented in committee.)

NOT OVERTURN MAYORAL VETO by the following vote:
Ayes: 6 - Avalos, Campos, Daly, Mar, Maxwell, Mirkarimi
Noes: 5 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd

081589 [Eastern Neighborhoods Zoning Map - Height District for Mission Street theater properties]

Ordinance amending the San Francisco Zoning Map by amending the height district designation for Assessor's Block 3595, Lot 024 on Mission Street between 19th and 20th Streets and Assessor's Block 3616, Lot 007 on Mission Street between 21st and 22nd Streets to 65-X/85-X; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1. (Planning Department)

NOTE: This action requires two-thirds vote. The Board may not amend the ordinance and may only vote in favor or in opposition to the veto override.
The Board of Supervisors must act on the veto override within 30 days of the date of the veto. The Mayor vetoed the Ordinance on January 16, 2009. Therefore, the Board will lose the ability to override the veto unless it votes on the veto override on or before February 10, 2009.

NOT OVERTURN MAYORAL VETO by the following vote:
Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Recommendations of the Budget and Finance Committee

081535 [Waiver of Administrative Code Sections 6.40 and 6.41 to allow award of agreement for program construction management services without a competitive procurement process]

Ordinance granting the San Francisco Public Utilities Commission a waiver of Administrative Code Sections 6.40 and 6.41 to allow award of Agreement No. CS-963, Program Construction Management Services, without a competitive procurement process. (Public Utilities Commission)

(Fiscal Impact.)

FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Dufty

081536 [WSIP Agreement No. CS-963, Program Construction Management Services - Not to Exceed $26,000,000]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute the Water System Improvement Program-funded Agreement No. CS-963, Program Construction Management Services, with AECOM WATER, for an amount not to exceed $26,000,000 with a term of up to seven (7) years, pursuant to San Francisco Charter Section 9.118, if the Board of Supervisors has approved an ordinance waiving procurement requirements of San Francisco Administrative Code Sections 6.40 and 6.41, and that ordinance is effective. (Public Utilities Commission)

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Campos

Board of Supervisors Sitting As a Committee of the Whole

090103 **[Hearing - Emergency ordinance modifying procedures and deadlines for a June 2, 2009 election]**

Hearing to consider the possible adoption of an emergency ordinance (1) finding that an emergency exists for purposes of Charter Section 2.107; (2) modifying various election procedures and deadlines for a June 2, 2009 special election; and (3) identifying the proposed revenue measures that would be submitted using the modified procedures.

The President inquired as to whether any member of the public wished to address the Board members.
There were none.
The President declared the public hearing closed.
FILED.

090106 **[Modifying election procedures and deadlines for a June 2, 2009 election]**

Emergency ordinance (1) finding that an emergency exists for purposes of Charter Section 2.107: (2) modifying various election procedures and deadlines for a June 2, 2009 special election; and (3) identifying the proposed revenue measures that would be submitted using the modified procedures.

Supervisor Daly, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Emergency ordinance (1) finding that an emergency exists for purposes of Charter Section 2.107: (2) modifying various election procedures and deadlines for a June 2, 2009 special election; and (3) identifying the proposed revenue measures that would be submitted using the modified procedures.
Version

FINALLY PASSED by the following vote:
Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

Appointment of President Pro Tempore

At the request of the President, Supervisor Campos assumed the Chair so the President could participate in the debate from the floor concerning the following item.

090010 **[Calling a municipal special election for June 2, 2009]**

Resolution calling for a municipal special election to be held June 2, 2009, for the purpose of submitting revenue and fiscal measures to the voters.

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

NEW BUSINESS

Recommendation of the Budget and Finance Committee

081619 **[Airport Lease and Operating Agreement]**

Resolution approving the exercise of the third of five one-year options to extend the term of Smarte Carte, Inc.'s Luggage Cart Lease and Operating Agreement No. 01-0343. (Airport Commission)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

From Budget and Finance Committee Without Recommendation

081596 **[Accept and Expend FY 2008-2009 Homeland Security Grant Program Grant and Amend Annual Salary Ordinance, FY 2008-2009 - $2,112,026]**

Supervisor Alioto-Pier

Ordinance authorizing the Department of Emergency Management (DEM) to retroactively accept and expend a Homeland Security Grant Program grant in the amount of $2,112,026 from the United States Department of Homeland Security, through the California Governor's Office of Homeland Security, for disaster planning, and amending Ordinance No. 141-08 (Annual Salary Ordinance, FY 2008-2009) to reflect the addition of three grant-funded positions at the Controller's Office, Mayor's Office on Disability, and Animal Care and Control.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

080822 **[Residential Rent Ordinance: Tenant Rights for Victims of Domestic Violence or Stalking]**

Supervisors Chu, Mirkarimi, Dufty, Maxwell, Alioto-Pier, Chiu

Ordinance amending Chapter 37 Residential Rent Stabilization and Arbitration Ordinance by making findings and amending Sections 37.2 and 37.9 to provide protections for tenants who are victims of domestic violence or sexual assault or stalking, including protection from evictions based on the actions of abusers or stalkers, and confidentiality protections.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

081581 **[Approval of Port Lease to Pilara Family Foundation Lease No. L-14144 at Pier 24 Annex]**

Resolution approving Port Commission Lease No. L-14144 with the Pilara Family Foundation, a Nevada Non-Profit Corporation ("Pilara") for certain real property located at Pier 24 Annex in the City and County of San Francisco. (Port)

Continued to February 10, 2009

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

081601 [Accept Local Gift of Services - $430,000]
Supervisor Maxwell

Resolution authorizing the Port of San Francisco to accept a gift of services with an estimated value of $430,000 from the Copra Crane Labor Landmark Association, a non-profit organization, for the restoration and preservation of the Port of San Francisco's "Copra Crane," located at Pier 84.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

081602 [Transferring streetscape improvements along Fillmore Street from the San Francisco Redevelopment Agency to the City]
Supervisor Mirkarimi

Resolution terminating a Major Street Encroachment Permit and recognizing the termination of two Minor Sidewalk Encroachment Permits and Public Work Order No. 172,568, and the modification of a minor sidewalk encroachment permit, all pertaining to the installation and maintenance of streetscape improvements along portions of Fillmore Street between Post and McAllister Streets and transferring the ongoing maintenance responsibility for the streetscape improvements from the San Francisco Redevelopment Agency to the City in exchange for 1.8 million dollars.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdullah Megaheed; expressed concern with issues relating to the Mayor Newsom being in Paris and Switzerland
James Chaffee; expressed concern with issues relating to the SF Public Library
Ray; expressed concern with issues relating to open government in San Francisco
Susan Stauter; expressed appreciation for the life of Lani Silver
Antione Trimis; speaker expressed appreciation for the life of Lani Silver
Female speaker; expressed concern with issues relating to the Trans Bay Terminal project and the loss of small business in the area
Ms. Landry; expressed concern with issues relating to the Trans Bay Terminal project and the loss of small business in the area
Male speaker; expressed concern with issues relating with President Obama and shared personal religious beliefs
John di Donna; expressed concern with issues relating to the Israeli and Palestine conflict
Sue Borell; expressed concern with issues relating to the proposed cuts to the Public Defender's Office in the social workers staff
Abigal Chanley; expressed concern with issues relating to the proposed cuts to the Public Defender's Office in the social workers staff
William Doherty; expressed concern with issues relating to the proposed cuts to the Public Defender's Office in the social workers staff
Beverly Upton; expressed appreciation for the passage of an ordinance relating to the issue of Domestic Violence
Patricia Lee, Managing Public Defender; expressed concern with issues relating to the proposed cuts to the Public Defender's Office in the social workers staff
Jeff Adachi, Public Defender; expressed concern with issues relating to the proposed cuts to the Public Defender's Office and a letter of inquiry which was sent to the Controller from Supervisor Elsbernd
Paula Bradfrod; expressed concern with issues relating to America Works and include this program in assisting in the economic crisis
John Asaki; expressed concern with issues relating to the proposed cuts to the Public Defender's Office in the social workers staff

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

090104 **[Preserving the California Mental Health Services Act]**
Supervisor Avalos

Resolution urging Governor Arnold Schwarzenegger to sustain the state's commitment to mental health funding and preserve Proposition 63 monies for its intended purpose.

ADOPTED

090105 **[Accept and Expend Grant - Office of Language Services - $10,000]**
Supervisor Chu

Resolution retroactively authorizing the Office of Language Services to accept and expend $10,000 from the Annie E. Casey Foundation, to create a pilot program to expand the organizational capacity of the City's law enforcement, criminal justice, and emergency management agencies to meet the cultural and linguistic needs of limited English proficient victims of domestic violence.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

090076 **[Administrative Code - Establishing Fees under the Community Preservation and Blight Reduction Act]**
Ordinance amending the San Francisco Administrative Code Chapter 80, Section 80.4, to authorize the Department of Public Works to charge a fee of $250 to cover the cost of inspecting blighted properties and to charge an increased fee to recover additional inspection costs incurred in enforcement of the Community Preservation and Blight Reduction Act; and making environmental findings. (Public Works Department)

1/26/09, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 3/5/2009.

02/03/09 - Referred to Planning for determination of environmental impact.

090077 **[Approving a Zoning Map Amendment in association with the proposed Project at 420 29th Avenue]**
Ordinance amending Sheet ZN04 of the Zoning Maps of the City and County of San Francisco for the real property located at 420 29th Avenue (Assessor's Block 1460/Lot 015) and known as St. Peter's Church between Geary Boulevard and Clement Street, to reclassify the property from an RH-2 (Residential House, Two-Family) District to an RM-1 (Residential Mixed, Low Density) District, in order to permit the development of a proposed affordable housing project for developmentally disabled adults; and adopting General Plan, Planning Code, and environmental findings. (Planning Department)

1/26/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/5/2009.

PROPOSED RESOLUTIONS

090052 **[Settlement of Administrative Enforcement Action - $87,000]**

Resolution approving the settlement of the unlitigated administrative enforcement action filed by the San Francisco Bay Regional Water Quality Control Board against San Francisco imposing a penalty of $87,000. (Public Utilities Commission)

1/22/09, RECEIVED AND ASSIGNED to Rules Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:12 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

Tuesday, February 10, 2009 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Chu	Wednesday 11:00 AM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly, Alioto-Pier	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Campos, Mirkarimi, Alioto-Pier	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Daly, Chu, Campos	1st and 3rd Thursday 10:00 AM

GOVERNMENT
DOCUMENTS DEPT

FEB 12 2009

SAN FRANCISCO
PUBLIC LIBRARY

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:03 p.m. On the call of the roll all Supervisor Alioto-Pier was noted absent.

There was a quorum present.

Supervisor Alioto-Pier was excused from attending the meeting.

Supervisor Alioto-Pier Excused from Attendance

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved to excuse Supervisor Alioto-Pier from attending today's meeting. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

COMMUNICATIONS

Angela Calvillo, Clerk of the Board informed the Board of Supervisors that she was in receipt of a correspondence from the Mayor on February 6, 2009 communicating the Mayor's Veto of legislation contained in File Nos. 090009 regarding an emergency ordinance modifying various election procedures and deadlines for a June 2, 2009 special election.

REGULAR AGENDA

UNFINISHED BUSINESS

Possible Consideration of Mayoral Veto

Appointment of President Pro Tempore

At the request of the President, Supervisor Daly assumed the Chair so the President could participate in the debate from the floor concerning the following item.

090009 [Modifying election procedures and deadlines for a June 2, 2009 election]

Emergency ordinance (1) finding that an emergency exists for purposes of Charter Section 2.107; (2) modifying various election procedures and deadlines for a June 2, 2009 special election; and (3) identifying the proposed revenue measures that would be submitted using the modified procedures.

NOTE: This action requires two-thirds vote. The Board may not amend the ordinance and may only vote in favor or in opposition to the veto override.
The Board of Supervisors must act on the veto override within 30 days of the date of the veto. The Mayor has until February 7, 2009 to veto this legislation.

OVERTURN MAYORAL VETO by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Chu, Elsbernd
Excused: 1 - Alioto-Pier

From the Budget and Finance Committee Without Recommendation

081596 [Accept and Expend FY 2008-2009 Homeland Security Grant Program Grant and Amend Annual Salary Ordinance, FY 2008-2009 - $2,112,026]
Supervisor Alioto-Pier

Ordinance authorizing the Department of Emergency Management (DEM) to retroactively accept and expend a Homeland Security Grant Program grant in the amount of $2,112,026 from the United States Department of Homeland Security, through the California Governor's Office of Homeland Security, for disaster planning, and amending Ordinance No. 141-08 (Annual Salary Ordinance, FY 2008-2009) to reflect the addition of three grant-funded positions at the Controller's Office, Mayor's Office on Disability, and Animal Care and Control.

FINALLY PASSED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Recommendations of the Land Use and Economic Development Committee

080822 [Residential Rent Ordinance: Tenant Rights for Victims of Domestic Violence or Stalking]
Supervisors Chu, Mirkarimi, Dufty, Maxwell, Alioto-Pier, Chiu, Campos

Ordinance amending Chapter 37 Residential Rent Stabilization and Arbitration Ordinance by making findings and amending Sections 37.2 and 37.9 to provide protections for tenants who are victims of domestic violence or sexual assault or stalking, including protection from evictions based on the actions of abusers or stalkers, and confidentiality protections.

FINALLY PASSED by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

081581 [Approval of Port Lease to Pilara Family Foundation Lease No. L-14144 at Pier 24 Annex]

Resolution approving Port Commission Lease No. L-14144 with the Pilara Family Foundation, a Nevada Non-Profit Corporation ("Pilara") for certain real property located at Pier 24 Annex in the City and County of San Francisco. (Port)

ADOPTED by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

NEW BUSINESS

Recommendations of the Budget and Finance Committee

081360 [Lease of real property at 3801 Third Street, Suite 400]

Resolution authorizing the lease at 3801 Third Street, Suite 400, for the Department of Public Health commencing retroactively on July 1, 2008. (Real Estate Department)

ADOPTED by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

090042 [Public Auction - Tax-defaulted real property]

Resolution authorizing Tax Collector to sell at public auction certain parcels of tax-defaulted real property. (Treasurer-Tax Collector)

ADOPTED by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Recess

The Board recessed at the hour of 3:16 p.m.

Reconvening of the Board

The Board reconvened at the hour of 3:34 p.m.

Calling the Roll

The following Supervisors were noted present: Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi - 9

Supervisor Alioto-Pier was previously excused from attending today's meeting.

Supervisor Daly was noted absent at 3:34 p.m.

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

On behalf of Supervisor Alioto-Pier, Supervisor Maxwell welcomed, introduced and presented a Certificate of Honor to Gwyneth Borden for her service in the community and in recognition of February as Black History Month.

Supervisor Avalos welcomed, introduced and presented a Certificate of Honor and presented to Mike Brown for his service in the Community and in recognition of February as Black History Month.

Supervisor Campos welcomed, introduced and presented a Certificate of Honor to Betty Hudson for her service in the community and in recognition of February as Black History Month.

Supervisor Chu welcomed, introduced and presented a Certificate of Honor to Colonel Robert Powell for his service in the community and in recognition of February as Black History Month.

Supervisor Dufty welcomed, introduced and presented a Certificate of Honor to John Newsom for his service in the community and in recognition of February as Black History Month.

Supervisor Elsbernd welcomed, introduced and presented a Certificate of Honor to Lonnie Lawson for his service in the community and in recognition of February as Black History Month.

Supervisor Mar welcomed, introduced and presented a Certificate of Honor to Esselene Stancil for her service in the community and in recognition of February as Black History Month.

Supervisor Maxwell welcomed, introduced and presented a Certificate of Honor to Lynette Scott for her service in the community and in recognition of February as Black History Month.

Supervisor Mirkarimi welcomed, introduced and presented a Certificate of Honor to Thomas Robert Simpson for his service in the community and in recognition of February as Black History Month.

Supervisor Chiu welcomed, introduced and presented a Certificate of Honor to Daisy McArthur for her service in the community and in recognition of February as Black History Month.

Supervisor Dufty welcomed, introduced and presented Certificate of Honor to members of the Seahawk Pop Warner Football cheerleaders in recognition of winning the 2008 National Championship Cheer leading Team Competition.

COMMITTEE REPORTS

090027 [Contract with Owners' Association for administration/management of Yerba Buena Community Benefit District]

Mayor

Resolution approving an agreement with the nonprofit Owners' Association for administration/management of the property-based business improvement district known as the "Yerba Buena Community Benefit District," pursuant to Section 36651 of the California Streets and Highways Code.

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

James Chaffee; expressed concern with issues relating to the SF Public Library
Peter Tscherneff; expressed concern with issues relating to the murder of a SF Police Officer Garnier and issues relating to the possible cover up of his murder
Male speaker; expressed concern with issues relating to the murder of a SF Police Officer Garnier and issues relating to the possible cover up of his murder
Ray Hartz; expressed concern with issues relating to open government
Male speaker; expressed concern with issues relating to the economic crisis and bankruptcy reorganization
Lewis Whilden; expressed concern with issues relating to the economic crisis and bankruptcy reorganization
Anastasia Mares; expressed concern with issues relating to the economic crisis and bankruptcy reorganization
Peter Warfield; expressed concern with issues relating to the SF Public Library renovations
Walter Paulson; shared with the Board certain memorabilia with the Board members
Mike Brown; expressed concern with issues related to the need for violence prevention in the Bay View and Ocean View districts

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

090143 [Extending the Library Citizens Advisory Committee]
Supervisor Daly

Resolution extending the operation of the Library Citizens Advisory Committee to March 1, 2011.

ADOPTED

090144 **[Commending Margaret Brodkin on over 30 years of service on behalf of San Francisco children and families]**
Supervisors Dufty, Maxwell, Avalos, Campos, Mirkarimi, Chiu, Daly

Resolution commending Margaret Brodkin on over 30 years of service on behalf of San Francisco children and families.

Supervisor Daly requested to be added as a co-sponsor.
ADOPTED

090145 **[Commending David H. Williams and his 19 years of dedicated work to the Human Services Agency for the City and County of San Francisco since 1990]**
Supervisors Dufty, Campos

Resolution commending David H. Williams and his dedication to the Human Services Agency for the City and County of San Francisco since 1990.

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

090146 **[Commending Richard Rothman for 25 years of dedicated service to the City and County of San Francisco]**
Supervisors Dufty, Campos

Resolution commending Richard Rothman for 25 years of dedicated service to the City and County of San Francisco.

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

090148 **[Supporting Earth Hour 2009 - March 28, 2009]**
Supervisors Alioto-Pier, Dufty

Resolution declaring March 28, 2009 between 8:30-9:30PM as Earth Hour in San Francisco and urging all city government buildings, public schools and public landmarks to turn off non-essential lighting on this date and time.

ADOPTED

090149 **[Celebrating the centennial of the National Association for the Advancement of Colored People (NAACP)]**
Supervisors Mirkarimi, Dufty, Campos

Resolution celebrating the centennial of the National Association for the Advancement of Colored People (NAACP).

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

090102 [Below Market Rate Condominium Conversion Program - Release of Units at 3321 17th Street]
Mayor

Resolution approving the release of six units at 3321 17th Street from the Below Market Rate Condominium Conversion Program under Subdivision Code Sections 1341 and 1385.

ADOPTED

The foregoing items were acted upon by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Severed from Adoption Without Committee Reference

Supervisor Maxwell requested that this matter be severed so that it might be severed so that it might be considered separately.

090150 [Waiving Board Rule 4.19 regarding consideration of Mayoral veto]
Supervisor Chiu

Motion that the Board waives Board Rule 4.19 regarding consideration of a Mayoral veto.

The President inquired as to whether any member of the public wised to address the Board members. There were none.
The President declared the public hearing closed,

APPROVED by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Supervisor Daly requested that this matter be severed so that it might be considered separately.

090147 [Commending Senator Dianne Feinstein for her successful chairing of the 2009 Joint Congressional Committee on Inaugural Ceremonies]
Supervisors Dufty, Maxwell, Alioto-Pier

Resolution commending Senator Dianne Feinstein for her successful chairing of the 2009 Joint Congressional Committee on Inaugural Ceremonies.

Supervisor Daly requested that this matter be referred to Committee.
REFERRED to the Rules Committee.

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

090108 **[De-appropriating $11,617,063 of Water System Improvement Program funding at the San Francisco Public Utilities Commission]**

Ordinance de-appropriating $11,617,063 of Water System Improvement Program funding based on actions taken by the Budget and Finance Committee on Ordinance number 311-08 at the San Francisco Public Utilities Commission. (Public Utilities Commission)

1/28/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:22 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

Tuesday, February 24, 2009 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Chu	Wednesday 11:00 AM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly, Alioto-Pier	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Campos, Mirkarimi, Alioto-Pier	1st and 3rd Monday 11:00 AM
Rules Committee Supervisors Daly, Chu, Campos	1st and 3rd Thursday 10:00 AM

GOVERNMENT
DOCUMENTS DEPT

FEB 26 2009

SAN FRANCISCO
PUBLIC LIBRARY

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:03 p.m. On the call of the roll all Supervisors were present.

APPROVAL OF MEETING MINUTES

Supervisor Avalos, seconded by Supervisor Mirkarimi, moved to approve the January 6, 2009 and January 8, 2009 Board Meeting Minutes.. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMUNICATIONS

Angela Calvillo, Clerk of the Board informed the Board of Supervisors that she was in receipt of a correspondence from the Mayor on February 13, 2009 communicating the Mayor's Veto of legislation contained in File Nos. 090010 and File No. 090106 regarding an calling for a June 2, 2009 Special Election and emergency ordinance modifying various election procedures and deadlines for a June 2, 2009 special election.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

090043 **[Approving First Amendment to Agreement between the San Francisco Public Utilities Commission and Santa Clara Valley Water District for Operation and Maintenance of the Intertie pursuant to Charter Section 9.118]**

Resolution approving First Amendment to the Operation and Maintenance Agreement between the San Francisco Public Utilities Commission (SFPUC) and Santa Clara Valley Water District (SCVWD) for the Intertie pursuant to Charter Section 9.118. (Public Utilities Commission)

ADOPTED

Recommendation of the City Operations and Neighborhood Services Committee

090025 **[Accept-Expend federal grant funds to support HIV/AIDS services - $4,758,228]**
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend a funding award entitled the Ryan White HIV/AIDS Treatment Modernization Act Grant (Ryan White Part A Program), in the amount of $4,758,228, for the San Francisco Eligible Metropolitan Area, from the Health Resources and Services Administration (HRSA), to support HIV/AIDS health services; for the period of February 1, 2009 through June 30, 2009.

ADOPTED

Recommendation of the Government Audit and Oversight Committee

081448 **[Juvenile Probation and Camp Funding Grant Program]**
Supervisor Maxwell

Resolution authorizing the Juvenile Probation Department to participate in the State of California's Juvenile Probation and Camp Funding Program, to receive funds for direct services to eligible children and their families.

ADOPTED

Recommendations of the Rules Committee

081320 **[Appointment, Child Care Planning and Advisory Council - Candace Wong]**
Motion appointing Candace Wong, term ending December 31, 2011, to the Child Care Planning and Advisory Council.

APPROVED

090055 **[Appointment, Elections Commission - Gerard Joseph Gleason]**
Motion appointing Gerard Joseph Gleason, term ending January 1, 2014, to the Elections Commission.

APPROVED

The foregoing items were acted upon by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Vetoed by the Mayor

Supervisor Avalos, seconded by Supervisor Dufty, moved to table the consideration of the Mayor's veto relating to File No. 090010 a Resolution calling for a June 2, 2009 Special Election and File No. 090106 an Ordinance relating to an emergency Ordinance modifying election procedures nd deadlines for a June 2 20099 special election.

Motion to table this matter was passed by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell

NEW BUSINESS

Recommendations of the Budget and Finance Committee

081604 **[Amending FY 2008-2009 Annual Salary Ordinance]**
Mayor

Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance 2008-2009) to reflect the addition of the following four positions: one 5642 Senior Environmental Specialist (0.30 FTE); two 5640 Environmental Specialists (0.30 FTE each); and one 5638 Environmental Assistant (0.30 FTE) at the Department of the Environment.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090097 **[Administrative Code Revision: Health Service System]**
Supervisor Elsbernd

Ordinance amending Chapter 16, Article XV, of Part 1 of the San Francisco Municipal (Administrative) Code by amending Section 16.703 regarding Board approval of Health Service System Plans and Contribution Rates.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090108 **[De-appropriating $11,617,063 of Water System Improvement Program funding at the San Francisco Public Utilities Commission]**

Ordinance de-appropriating $11,617,063 of Water System Improvement Program funding based on actions taken by the Budget and Finance Committee on Ordinance number 311-08 at the San Francisco Public Utilities Commission. (Public Utilities Commission)

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090098 [Establishing Monthly Contribution Amount to Health Service Trust Fund]
Supervisor Elsbernd

Resolution establishing monthly contribution amount to Health Service Trust Fund.

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

081394 [Adoption of the Mental Health Services Act (MHSA) Prevention and Early Intervention (PEI) Three Year Program and Expenditure Plan and Accept and Expend additional PEI Allocation- $874,700]

Resolution authorizing the adoption of the Mental Health Services Act Prevention and Early Intervention (PEI) Three Year Program and Expenditure Plan and authorizing the Department of Public Health to accept and expend the additional PEI allocation totaling $874,700. (Public Health Department)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

From the Budget and Finance Committee Without Recommendation

090134 [One-half of one percent (0.50%) Sales Tax Increase for Emergency Health and Human Services and Public Protection]
Supervisor Avalos

Ordinance amending the San Francisco Business and Tax Regulations Code to add Article 16-A to provide support for emergency health and human services and public protection to residents of the City and County of San Francisco by imposing a transactions (sales) and use tax at the rate of one-half of one percent (0.50%) for a period of three (3) years, to be administered by the State Board of Equalization in accordance with Parts 1.6 and 1.7 of Division 2 of the California Revenue and Taxation Code; adopting an expenditure plan; and directing submission of the tax for voter approval at the June 2, 2009 election.

(Economic Impact)

Supervisor Avalos, seconded by Supervisor Mirkarimi, moved that this Ordinance be RE-REFERRED to the Budget and Finance Committee. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090133 [Ordering Submission of Gross Receipts Tax to Voters]
Supervisor Avalos

Motion ordering submitted to the voters an "Ordinance amending the Business and Tax Regulations Code to: (1) enact a new Article 12-A-1 (Gross Receipts Tax Ordinance), Sections 951 through 958, to impose a gross receipts tax on persons engaging in business activities in San Francisco; (2) amend Article 12 (Business Registration Ordinance) to conform business registration requirements with the enactment of Article 12-A-1 (Gross Receipts Tax Ordinance); (3) amend Article 6 (Common Administrative Provisions) to conform them with the enactment of Article 12-A-1 (Gross Receipts Tax Ordinance); and (4) amend Article 12-A (Payroll Expense Tax Ordinance) to conform it with the enactment of Article 12-A-1 (Gross Receipts Tax Ordinance)" at an election to be held on June 2, 2009.

(Economic Impact)

Supervisor Avalos, seconded by Supervisor Mirkarimi, moved that this Motion be RE-REFERRED to the Budget and Finance Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090135 [Ordering Submission of Proposed Payroll Expense Tax Amendment to Voters]
Supervisor Chiu

Motion ordering submitted to the voters an "Ordinance amending (1) Section 903.1 to reduce the Payroll Expense Tax rate from 1.5% to 1.0%, for business whose taxable payroll expense exceeds $300,000, but is less than or equal to $400,000, beginning with the 2010 tax year; and (2) Section 905-A to increase the Small Business Tax Exemption to include all taxpayers whose taxable payroll expense is $300,000 or less, beginning with the 2010 tax year" at an election to be held on June 2, 2009.

(Economic Impact)

Supervisor Avalos, seconded by Supervisor Mirkarimi, moved that this Motion be RE-REFERRED to the Budget and Finance Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

081356 [Zoning Map Amendment - 483 Bosworth Street, also known as 1 Lyell Street]

Ordinance amending the San Francisco Planning Code by amending Sheet 11 of the Zoning Map of the City and County of San Francisco to change the zoning of the property located at 483 Bosworth Street, also known as 1 Lyell Street, Assessor's Block 6753, Lot 063 from P (Public) to RH-2 (Residential, House Districts, Two-Family); adopting findings, including environmental findings and findings of consistency with the General Plan and Priorities of Planning Code Section 101.1(b). (Planning Department)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090099 [Re-establishing the name of the Richmond District]
Supervisor Mar

Ordinance rescinding Ordinance 4397 and re-establishing the name of the area north of Golden Gate Park and west of Arguello Boulevard as the Richmond District.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Rules Committee

081512 [Workforce Development - First Source Hiring Program]
Supervisors Mirkarimi, Maxwell

Ordinance amending Administrative Code Chapter 83, Section 83.18 to eliminate the expiration date of the First Source Hiring Program, and Section 83.10 to eliminate the attorneys fees provision.

Supervisor Campos requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Avalos Excused From Voting

Supervisor Daly, seconded by Supervisor Mirkarimi, moved to excuse Supervisor Avalos from voting on this matter. The motion carried by the following vote:
Ayes: 10 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Avalos

090056 [Appointment, Association of Bay Area Governments Executive Board - Supervisor John Avalos]

Motion appointing Supervisor John Avalos, term ending June 30, 2009, to the Association of Bay Area Governments Executive Board.

APPROVED by the following vote:
Ayes: 10 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Avalos

Supervisor Avalos Excused From Voting

Supervisor Dufty, seconded by Supervisor Campos, moved to excuse Supervisor Avalos from voting on this matter. The motion carried by the following vote:
Ayes: 10 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Avalos

090163 [Appointment, SF Local Agency Formation Commission - Supervisor John Avalos]

Motion appointing Supervisor John Avalos, as an alternate member, term ending February 4, 2010, to the San Francisco Local Agency Formation Commission.

APPROVED by the following vote:
Ayes: 10 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Avalos

Supervisors Dufty, Elsbernd, Chu Excused From Voting

Supervisor Daly, seconded by Supervisor Mirkarimi, moved to excuse Supervisors Dufty, Elsbernd and Chu from voting on this matter. The motion carried by the following vote:
Ayes: 8 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Excused: 3 - Chu, Dufty, Elsbernd

090078 **[Appointments, Golden Gate Bridge, Highway and Transportation District- Supervisors Bevan Dufty, Sean Elsbernd and Carmen Chu]**

Motion appointing Supervisors Bevan Dufty, Michela Alioto-Pier, Sean Elsbernd and Carmen Chu, as members of the Board of Directors, Golden Gate Bridge, Highway and Transportation District, terms ending January 31, 2011.

Supervisor Alioto-Pier moved to divide the question relating to her appointment to the Golden Gate Bridge. (See File No. 090207) by the following vote:

Ayes: 8 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Excused: 3 - Chu, Dufty, Elsbernd

Motion appointing Supervisors Bevan Dufty, Sean Elsbernd and Carmen Chu, as members of the Board of Directors, Golden Gate Bridge, Highway and Transportation District, terms ending January 31, 2011.

APPROVED by the following vote:

Ayes: 8 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Excused: 3 - Chu, Dufty, Elsbernd

Supervisor Alioto-Pier Excused From Voting

Supervisor Dufty, seconded by , moved to excuse Supervisor Alioto-Pier from voting on this matter. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

090207 **[Appointment, Golden Gate Bridge, Highway and Transportation District- Supervisor Michela Alioto-Pier]**

Motion appointing Supervisor Michela Alioto-Pier as a member of the Board of Directors, Golden Gate Bridge, Highway and Transportation District, terms ending January 31, 2011.

Supervisor Elsbernd, seconded by Supervisor Chu, moved that this Motion be RE-REFERRED to the Rules Committee. The motion carried by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Excused: 1 - Alioto-Pier

Supervisor Dufty Excused From Voting

Supervisor Avalos, seconded by Supervisor Mirkarimi, moved to excuse Supervisor Dufty from voting on this matter. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

090053 **[Appointment, SF Local Agency Formation Commission - Supervisor Bevan Dufty]**

Motion appointing Supervisor Bevan Dufty, term ending February 20, 2011, to the San Francisco Local Agency Formation Commission.

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

Supervisor Mar Excused From Voting

Supervisor Avalos, seconded by Supervisor Campos, moved to excuse Supervisor Mar from voting on this matter. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi
Excused: 1 - Mar

090164 [Appointment, SF Local Agency Formation Commission - Supervisor Eric Mar]

Motion appointing Supervisor Eric Mar, term ending August 27, 2009, to the San Francisco Local Agency Formation Commission.

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi
Excused: 1 - Mar

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Dufty introduced, welcomed and presented Certificate of Honors to Richard Rothman and David Williams in recognition of their retirement from the City and County of San Francisco.

Supervisor Alioto-Pier welcomed and presented Certificate of Honors to the following students from the Schools of the Sacred Heart who participated in the Heart to Heart Backpack Drive Alexander Zaldastani, Charles Phillips, Hao Tran, Jackson Weber, Michael Hasson, Quentin Favia, Sarah Armstrong, Sarah Bloch, Sarah Cook, Bettina Alessandria, Caroline Bertain, and Alexander Fish.

Supervisor Alioto-Pier welcomed and presented Certificate of Honors to Barbara Murphy and Kevin Marlatt representing the Blue Bear School of Music.

COMMITTEE REPORTS

090044 [Settlement of Lawsuit - Computers For Marketing Corporation - $42,000]

Ordinance authorizing settlement of the lawsuit filed by Computers For Marketing Corporation against the City and County of San Francisco for $42,000; the lawsuit was filed on June 15, 2007 in San Francisco Superior Court, Case No. 464-348; entitled Computers for Marketing Corporation, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090045 [Settlement of Lawsuit - Susan Howard - $175,000]

Ordinance authorizing settlement of the lawsuit filed by Susan Howard against the City and County of San Francisco for $175,000; the lawsuit was filed on February 14, 2007 in San Francisco Superior Court, Case No. 460-454; entitled Susan Howard, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090157 **[Settlement of Lawsuit - Mehrdad Alemozaffar - $350,000]**
Supervisor Daly

Ordinance authorizing entry of Judgment, pursuant to Federal Rule of Civil Procedure 68, in favor of Mehrdad Alemozaffar and against the City and County of San Francisco in the amount of $350,000 in settlement of the lawsuit filed on July 20, 2007 in United States District Court, Case No. C07-4494 JSW entitled Mehrdad Alemozaffar v. City and County of San Francisco, Officers Jesse Serna, James McGrath and Gary Moriyama and Deputies Jurnation Reymundo and George Coviello.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090052 **[Settlement of Administrative Enforcement Action - $87,000]**
Resolution approving the settlement of the unlitigated administrative enforcement action filed by the San Francisco Bay Regional Water Quality Control Board against San Francisco imposing a penalty of $87,000. (Public Utilities Commission)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

James Chaffee; expressed concern with issues relating to the SF PUblic Library
Peter Cheirnoff; expressed concern with issues relating to violation of human rights
Doug Galar; expressed concern with issues relating to violation of human rights
Male speaker; expressed concern with issues relating to the possible loss of the Public Access channel
Female speaker; expressed appreciation for Comedy Day in the Park and for the founder of Comedy Day in the Park, Jose Simone
Male speaker; expressed concern with issues relating to religious beliefs
Earl Rodgers; expressed concern with issues relating to violence and the selling of drugs in the tenderloin
John di Donna; expressed concern with issues relating to the homeless population in San Francisco
Ace Washington; expressed concern with issues relating to violence in the Western Addition
Pas Aries; expressed concern with issues relating to the Western Addition small businesses
Randall Evans; expressed concern with issues relating to the African-American community and the SF Redevelopment Agency
Mrs. Brown; expressed concern with issues relating to the death of her son and violence in San Francisco
Champagne; expressed concern with issues relating to the death of her brother and violence in San Francisco
Francisco Da Costa; expressed concern with issues relating to the violence and deaths of the youth in San Francisco
Edward Sharpless; expressed concern with issues relating to the new rules for the Bay to Breakers
Connor Johnson; expressed concern with issues relating to the new rules for the Bay to Breakers

CLOSED SESSION

090201 [Closed Session - Conference with City Attorney, Significant Exposure to Litigation with the Roman Catholic Archdiocese of S.F.]
Supervisor Elsbernd

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from the City Attorney in light of significant exposure to litigation with the Roman Catholic Archdiocese of San Francisco related to the application of the City's Documentary Transfer Tax to certain property transfers.

Government Code Section 54956.9(b) and San Francisco Administrative Code Section 67.10(d)(2) permit this closed session because discussion in open session concerning matters would likely and unavoidably prejudice the position of the City in the potential litigation.

APPROVED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

The Board recessed at the hour of 3:59 p.m. to convene in closed session pursuant to the above motion.

Calling the Roll

The following Supervisors were noted present:
Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Persons in attendance:
Cheryl Adams, Deputy City Attorney
Phil Teng, Assessor-Recorder
Julie Van Nostern, Deputy City Attorney
Jim Emmery, Deputy City Attorney
Zoon Nguyen, Representative, Assesor-Recorder
Craig Dziedzic, Representative, Assesor-Recorder
Angela Calvillo, Clerk of the Board
Kay Gulbengay, Deputy Clerk of the Board

Reconvening of the Board

The Board at the hour of 4:42 p.m. reconvened.

Matter was heard in Closed Session and Filed.

[Elect Not to Disclose]
Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations.

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved not disclose its Closed Session deliberations. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

CLOSED SESSION

090122 [Update on labor negotiations concerning City workers from the Mayor's Office and the Department of Human Resources]

Supervisor Avalos

Motion that the Board of Supervisors convene in closed session with the Mayor's Office and the Department of Human Resources concerning negotiations with Labor Unions representing City Workers.

This closed session is permitted by Government Code Section 54957.6 and San Francisco Administrative Code Section 67.10(e).

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

The Board recessed at the hour of 4:44 p.m. to convene in closed session pursuant to the above motion.

Calling the Roll

The following Supervisors were noted present:
Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval

Persons in attendance:
Cheryl Adams, Deputy City Attorney
Micki Callahan, Director of Department of Human Resources
Steve Ponder, Representative of the Department of Human Resources Compensation
Ben Rosenfield, Controller
Steve Kawa, Mayor's Chief of Staff
Nani Colleretti, Mayor's Budget Director
Angela Calvillo, Clerk of the Board
Kay Gulbengay, Deputy Clerk of the Board

Reconvening of the Board

The Board at the hour of 5:36 p.m. reconvened.

Matter was heard in Closed Session and Filed.

[Elect Not to Disclose]
Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations.

Supervisor Elsbernd, seconded by Supervisor Dufty, moved not disclose its Closed Session deliberations. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

090189 [Susan Langlands Day - February 28, 2009]
Supervisor Avalos

Resolution declaring February 28, 2009 "Susan Langlands Day" in the City & County of San Francisco.

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

090190 [Commending the Moby Dick Bar for its 30 years of dedicated service to the Castro District]
Supervisor Dufty

Resolution commending the Moby Dick Bar for its 30 years of dedicated service to the Castro District.

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

090191 [Amended Landmark Tree Criteria, Nomination and Evaluation Forms]
Supervisor Mar

Resolution amending Landmark Tree Criteria, Nomination and Evaluation Forms to be used in the implementation of a nomination, evaluation, and removal process for landmark trees in the City and County of San Francisco.

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

090192 [Commending Star of the Sea School on their 100th year anniversary]
Supervisor Mar

Resolution commending Star of the Sea School on their 100th year anniversary.

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

090193 [Requesting establishment of the Office of Urban Policy in President Obama's Administration]
Supervisor Mirkarimi

Resolution requesting that the proposed Office of Urban Policy in President Obama's Administration form a permanent advisory group to help guide that office in its efforts to provide assistance to our nation's urban areas.

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

090165 **[Final Map - 1299 Bush Street]**

Motion approving Final Map 5079, a 26 Unit Residential and 1 Unit Commercial Mixed-Use Condominium Project, located at 1299 Bush Street being a subdivision of Lot 014 in Assessors Block No. 0279 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,048; District 3.)

APPROVED

090167 **[Final Map - 2101 and 2125 Bryant Street]**

Motion approving Final Map 4478, a 76 Unit Residential Condominium Project, located at 2101 and 2125 Bryant Street being a subdivision of Lot 065 in Assessors Block No. 4080 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,035; District 6.)

APPROVED

090168 **[Final Map - 4451-4455 Mission Street]**

Motion approving Final Map 5325, a 6 Residential Unit and 1 Commercial Unit Mixed-Use Condominium Project, located at 4451 – 4455 Mission Street being a subdivision of Lots 022A and 022B in Assessors Block No. 6013 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,037; District 11.)

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from For Adoption Without Committee Reference Agenda

090186 **[Waiving Board Rule 4.19 regarding consideration of Mayoral veto]**

Supervisor Chiu

Motion that the Board waives Board Rule 4.19 regarding consideration of a Mayoral veto.

Supervisor Avalos requested that this matter be severed so that it might be considered separately.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mirkarimi requested that this matter be severed so that it might be considered separately.

090166 **[Final Map - 1315-1327 7th Avenue]**

Motion approving Final Map 4654, an 11 Residential Unit and 1 Commercial Unit Mixed-Use Condominium Project, located at 1315 – 1327 7th Avenue being a subdivision of Lot 052 in Assessors Block No. 1762 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,050; District 5.)

Supervisor Mirkarimi, seconded by Supervisor Campos, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

[Brown Act Finding]

Motion that the Board find by roll call vote that for the resolution(s) being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090213 **[Celebrating the Opening of the New Portola Branch Library on February 28, 2009]**

Supervisors Maxwell, Campos

Resolution recognizing the Grand Opening of the new Portola Branch Library and commending the community and the San Francisco Public Library team for their hard work and commitment to San Francisco and the residents of the Portola district.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

090117 **[Settlement of Lawsuit - Antia Lelaind - $175,000]**

Ordinance authorizing settlement of the lawsuit filed by Antia Lelaind against the City and County of San Francisco et al. for $175,000; the lawsuit was filed on September 22, 2006, in the United States District Court of the Northern District of California, Case No. C06-05870 MHP; entitled Antia Lelaind v. City and County of San Francisco, et al. (City Attorney)

2/10/09, RECEIVED AND ASSIGNED to Rules Committee.

090158 **[Settlement of Lawsuit - Mark Boyd - $85,000]**

Ordinance authorizing settlement of the portion of the lawsuit filed by Mark Boyd against the City and County of San Francisco for $85,000; the lawsuit was filed on January 31, 2005 in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

2/11/09, RECEIVED AND ASSIGNED to Rules Committee.

090170 **[Mission Bay North-Acceptance of Blocks N4, N4A and N5 Public Infrastructure Improvements]**

Ordinance accepting the Mission Bay Blocks N4, N4A and N5 Public Infrastructure Improvements on Berry Street Connector Road, King Street Frontage Road and portions of Berry Street and Fifth Street; designating street grades and sidewalk widths; accepting the Irrevocable Offers of the acquisition facilities for public use and maintenance purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code section 101.1, and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 178,006; and authorizing official acts in connection with this ordinance. (Public Works Department)

2/6/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090171 **[Mission Bay-Acceptance of 16th Street and Vermont Street Intersection Public Infrastructure Improvements]**

Ordinance accepting the 16th Street and Vermont Street Intersection Public Infrastructure Improvements; accepting the Irrevocable Offers of the acquisition facilities for public use and maintenance purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 178,016; and authorizing official acts in connection with this ordinance. (Public Works Department)

2/6/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090172 **[Settlement of complaint before the Federal Energy Regulatory Commission and approval of Revised Procedures]**

Ordinance authorizing settlement of proceedings before the Federal Energy Regulatory Commission in FERC Dockets No. ER05-516-000, et al, initiated by the City against Pacific Gas & Electric Company contesting costs and terms and conditions for the interconnection of City facilities under the Interconnection Agreement with PG&E and approving the Revised Procedures for interconnection of City facilities. (Public Utilities Commission)

2/9/09, RECEIVED AND ASSIGNED to Rules Committee.

090199 **[Conflict of Interest Code Amendments]**

Ordinance amending Chapter 1 of Article III of the Campaign and Governmental Conduct Code by amending sections 3.1-110, 3.1-120, 3.1-145, 3.1-155, 3.1-165, 3.1-175, 3.1-195, 3.1-207, 3.1-218, 3.1-251, 3.1-253, 3.1-267, 3.1-275, 3.1-280, 3.1-285, 3.1-315, 3.1-320, 3.1-340, 3.1-345, 3.1-362, 3.1-365, 3.1-395, 3.1-410, 3.1-415, 3.1-420, 3.1-422, 3.1-435, 3.1-460, deleting sections 3.1-193, 3.1-300, 3.1-350, 3.1-425, and adding sections 3.1-158, 3.1-268, 3.1-350 to update the list of designated employees who must file financial disclosure statements and to modify the applicable disclosure categories. (Clerk of the Board)

2/12/09, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 3/26/2009.

090202 **[Approving General Plan Amendments Related to the Visitacion Valley Redevelopment Plan]**

Ordinance amending the San Francisco General Plan by approving General Plan amendments to implement the Visitacion Valley Redevelopment Plan (which includes a portion of the Visitacion Valley neighborhood and the Schlage Lock site within the City and County of San Francisco, the boundaries of which are designated on Sectional Map No. 10 SU of the Zoning Maps of the City and County of San Francisco, and which generally includes the properties bounded by Bayshore, Blanken and Tunnel Avenue to the San Francisco/San Mateo County line to the south, including the properties fronting Bayshore Boulevard from Arleta Avenue to the San Francisco/San Mateo County line to the south and including the properties fronting Leland Avenue from Cora Street to Bayshore Boulevard) by amending the Arts Element, Commerce and Industry Element, Recreation and Open Space Element, Transportation Element, and Urban Design Elements; making environmental findings and findings that the proposed amendments are consistent with the General Plan and the eight priority policies of the Planning Code Section 101.1. (Planning Department)

2/13/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/26/2009.

090203 **[Zoning Map Amendment - 401 - 421 Shields Street]**

Ordinance amending the San Francisco Planning Code by amending Sheet 12 of the Zoning Map of the City and County of San Francisco to change the zoning of the properties located at 401-421 Shields Street, Block 7074, Assessor's Lot Nos. 001, 046, 047, 048, from P (Public) to RH-1 (Residential, House Districts, Single-Family); adopting findings, including environmental findings and findings of consistency with the General Plan and Priorities of Planning Code Section 101.1(b). (Planning Department)

2/13/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/26/2009.

PROPOSED RESOLUTIONS

090155 **[Settlement of Claim - Deo Dutt - $98,443.83]**

Resolution approving the settlement of unlitigated claim of State Farm Insurance Company as subrogee for Deo Dutt against the City and County of San Francisco for $98,443.83; claim was filed on October 21, 2008. (City Attorney)

2/10/09, RECEIVED AND ASSIGNED to Rules Committee.

090198 **[Accept-Expend Federal Grant Funds - San Francisco Fire Department - $297,030]**
Supervisor Dufty

Resolution authorizing the San Francisco Fire Department to retroactively accept and expend a grant in the amount of $297,030 from the Federal Emergency Management Agency (FEMA) to develop and implement an Advanced Driver Training Program for its uniformed employees. (Fire Department)

2/11/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

Supervisor Dufty requested to be added as sponsor.

ADJOURNMENT

There being no further business, the Board adjourned at the hour 5:37 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

Tuesday, March 3, 2009 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Chu, Campos, Dufty	Wednesday 11:00 AM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly, Alioto-Pier	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Campos, Mirkarimi, Alioto-Pier	1st and 3rd Monday 11:00 AM
Rules Committee Supervisors Daly, Chu, Campos	1st and 3rd Thursday 10:00 AM

GOVERNMENT
DOCUMENTS DEPT

MAR - 5 2009

SAN FRANCISCO
PUBLIC LIBRARY

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll all Supervisors were noted present.

APPROVAL OF MEETING MINUTES

Supervisor Chu, seconded by Supervisor Mar, moved to approve January 13, 2009 Board Meeting Minutes. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

081604 [Amending FY 2008-2009 Annual Salary Ordinance]
Mayor

Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance 2008-2009) to reflect the addition of the following four positions: one 5642 Senior Environmental Specialist (0.30 FTE); two 5640 Environmental Specialists (0.30 FTE each); and one 5638 Environmental Assistant (0.30 FTE) at the Department of the Environment.

(Fiscal Impact.)

FINALLY PASSED

090097 [Administrative Code Revision: Health Service System]
Supervisor Elsbernd

Ordinance amending Chapter 16, Article XV, of Part 1 of the San Francisco Municipal (Administrative) Code by amending Section 16.703 regarding Board approval of Health Service System Plans and Contribution Rates.

(Fiscal Impact.)

FINALLY PASSED

090108 [De-appropriating $11,617,063 of Water System Improvement Program funding at the San Francisco Public Utilities Commission]

Ordinance de-appropriating $11,617,063 of Water System Improvement Program funding based on actions taken by the Budget and Finance Committee on Ordinance number 311-08 at the San Francisco Public Utilities Commission. (Public Utilities Commission)

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

090132 [Accept and expend grant funds for children's dental disease prevention services]
Supervisor Avalos

Resolution authorizing the San Francisco Department of Public Health (SF DPH) to accept and expend retroactively a three-year grant from the California Department of Public Health (CA DPH), to fund the California Dental Disease Prevention Program (CCDDPP), for the period of July 1, 2007 through June 30, 2010; and authorizing SF DPH to execute all documents and subsequent amendments related to this contract.

ADOPTED

090138 [Accept and expend grant funds to support the 3rd Street Clinic expansion - $115,191]
Supervisor Maxwell

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and retroactively expend grant funds in the amount of $115,191 for a three-year project from the 3rd Street Youth Center to expand clinic hours at the 3rd Street Clinic from 12 hours per week to 20 hours per week; for the period of February 1, 2009 through January 31, 2012.

ADOPTED

090142 [Accept and expend grant - Funding a Healthy San Francisco program evaluation - $300,000]
Mayor, Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of $300,000 from the Blue Shield of California Foundation to fund a Healthy San Francisco program evaluation; for the period of January 1, 2009 through June 30, 2010.

ADOPTED

Recommendations of the Land Use and Economic Development Committee

081356 [Zoning Map Amendment - 483 Bosworth Street, also known as 1 Lyell Street]

Ordinance amending the San Francisco Planning Code by amending Sheet 11 of the Zoning Map of the City and County of San Francisco to change the zoning of the property located at 483 Bosworth Street, also known as 1 Lyell Street, Assessor's Block 6753, Lot 063 from P (Public) to RH-2 (Residential, House Districts, Two-Family); adopting findings, including environmental findings and findings of consistency with the General Plan and Priorities of Planning Code Section 101.1(b). (Planning Department)

FINALLY PASSED

090099 **[Re-establishing the name of the Richmond District]**
Supervisor Mar

Ordinance rescinding Ordinance 4397 and re-establishing the name of the area north of Golden Gate Park and west of Arguello Boulevard as the Richmond District.

FINALLY PASSED

Recommendations of the Rules Committee

081512 **[Workforce Development - First Source Hiring Program]**
Supervisors Mirkarimi, Maxwell, Campos

Ordinance amending Administrative Code Chapter 83, Section 83.18 to eliminate the expiration date of the First Source Hiring Program, and Section 83.10 to eliminate the attorneys fees provision.

FINALLY PASSED

090044 **[Settlement of Lawsuit - Computers For Marketing Corporation - $42,000]**
Ordinance authorizing settlement of the lawsuit filed by Computers For Marketing Corporation against the City and County of San Francisco for $42,000; the lawsuit was filed on June 15, 2007 in San Francisco Superior Court, Case No. 464-348; entitled Computers for Marketing Corporation, et al., v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

090045 **[Settlement of Lawsuit - Susan Howard - $175,000]**
Ordinance authorizing settlement of the lawsuit filed by Susan Howard against the City and County of San Francisco for $175,000; the lawsuit was filed on February 14, 2007 in San Francisco Superior Court, Case No. 460-454; entitled Susan Howard, et al., v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

090157 **[Settlement of Lawsuit - Mehrdad Alemozaffar - $350,000]**
Supervisor Daly

Ordinance authorizing entry of Judgment, pursuant to Federal Rule of Civil Procedure 68, in favor of Mehrdad Alemozaffar and against the City and County of San Francisco in the amount of $350,000 in settlement of the lawsuit filed on July 20, 2007 in United States District Court, Case No. C07-4494 JSW entitled Mehrdad Alemozaffar v. City and County of San Francisco, Officers Jesse Serna, James McGrath and Gary Moriyama and Deputies Jurnation Reymundo and George Coviello.

FINALLY PASSED

090113 **[Appointment, San Francisco Health Authority - Eddie Chan]**
Motion appointing Eddie Chan, term ending January 15, 2010, to the San Francisco Health Authority, residency requirement waived.

APPROVED

090115 **[Appointments, Asthma Task Force - Margi English and Lisa Fricke]**

Motion appointing Margi English and Lisa Fricke, terms ending July 1, 2011, to the Asthma Task Force.

APPROVED

090119 **[Appointments, Child Care Planning and Advisory Council - Melinda Kanter-Levy and Pamela Tate-Roger]**

Motion appointing Melinda Kanter-Levy and Pamela Tate-Roger, terms ending December 31, 2009 and December 31, 2011, to the Child Care Planning and Advisory Council, residency requirement waived.

APPROVED

090152 **[Appointment, SRO Task Force - Matthias Mormino]**

Motion appointing Matthias Mormino, term ending December 31, 2009, to the SRO Task Force.

APPROVED

090156 **[Appointment, Bicycle Advisory Committee - Casey Allen]**

Motion appointing Casey Allen, term ending November 19, 2010, to the Bicycle Advisory Committee.

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

NEW BUSINESS

Recommendations of the City Operations and Neighborhood Services Committee

090019 **[Liquor License Transfer - 575 Howard Street]**

Resolution determining that the transfer of a Type 48 on-sale general public premises liquor license from 280 - 7th Street to 575 Howard Street (District 6), to Colin O'Malley and Leilani Brennan for Eve Lounge will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

081330 [Adopting the United Nations Convention on the Rights of the Child]
Supervisors Alioto-Pier, Campos

Resolution urging the Board of Supervisors to adopt the United Nations Convention on the Rights of the Child and supporting its inalienable freedoms for children and youth in San Francisco.

Supervisor Campos requested to be added as a co-sponsor.

Supervisor Avalos, seconded by Supervisor Mar, moved that this Resolution be AMENDED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Chu, Elsbernd

Rereferred as amended.

Supervisor Alioto-Pier, seconded by Supervisor Avalos, moved that this Resolution be RE-REFERRED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090008 [Public, Education and Government Cable Access System]
Supervisors Mirkarimi, Avalos, Campos

Resolution requesting San Francisco's Congressional and State Legislative Delegations reform laws governing use of Public, Education and Government Cable Access System Funds.

Supervisors Avalos and Campos requested to be added as co-sponsors.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

081560 [India Basin Industrial Park Zoning Map Amendment]
Supervisor Maxwell

Ordinance amending the San Francisco Planning Code by amending Sectional Map Sheets ZN08, ZN10, SU08 and SU10 to change the use classification of certain parcels in and around the India Basin Industrial Park Redevelopment Project Area from M-1 (Light Industrial) and M-2 (Heavy Industrial) Districts to PDR-1-B (Light Industrial, Buffer) and PDR-2 (Production, Distribution, and Repair) Districts and to incorporate all of the subject parcels into the India Basin Industrial Park Special Use District; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

081561 [India Basin Industrial Park, Planning Code Text Amendment]
Supervisor Maxwell

Ordinance amending the San Francisco Planning Code by adding Section 249.42 to create a new India Basin Industrial Park Special Use District; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090137 [Landmark Tree Designation of California Buckeye, Aesculus Californica, located behind 757 Pennsylvania Street]
Supervisor Maxwell

Ordinance designating the California Buckeye (Aesculus Californica) located behind 757 Pennsylvania Street (Assessor's Block 4168, Lot 011) as a landmark tree pursuant to Public Works Code Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090101 [Interim Zoning Controls Requiring Conditional Use Authorization for Tobacco Paraphernalia Establishments, as Defined, in the Haight Street Neighborhood Commercial District]
Supervisor Mirkarimi

Resolution imposing interim zoning controls establishing a requirement for conditional use authorization for Tobacco Paraphernalia Establishments, as defined, subject to specified exceptions, in the Haight Street Neighborhood Commercial District and in all properties zoned NC-1 (Neighborhood Commercial Cluster District) and NC-2 (Small-Scale Neighborhood Commercial District) along Haight Street, for a one year period, and making findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Rules Committee

090114 [Appointment, Urban Forestry Council - Terry Milne]
Motion appointing Terry Milne, term ending November 18, 2010, to the Urban Forestry Council.

(Supervisor Chu dissented in committee)

APPROVED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mar Excused From Voting

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved to excuse Supervisor Mar from voting on this matter.. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi
Excused: 1 - Mar

090169 **[Appointment - Bay Area Air Quality Management District - Supervisor Eric Mar]**

Motion appointing Supervisor Eric Mar, term ending February 1, 2013, to the Bay Area Air Quality Management District Board of Directors.

Supervisor Alioto-Pier requested to divide the question relating to the appointment of Supervisor Daly. (See File No. 090299)

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi
Excused: 1 - Mar

Supervisor Daly Excused From Voting

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved to excuse Supervisor Daly from voting on this matter. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Daly

090299 **[Appointment - Bay Area Air Quality Management District - Supervisor Daly]**

Motion appointing Supervisor Chris Daly, term ending February 1, 2013, to the Bay Area Air Quality Management District Board of Directors.

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved to rerefer this matter to committee. Supervisor Alioto-Pier rescinded the motion to rerefer.

Supervisor Chu, seconded by Supervisor Alioto-Pier, moved to continue this matter to March 17, 2009.

Motion to continue this matter failed by the following vote:
Ayes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Mar
Noes: 5 - Avalos, Campos, Chiu, Maxwell, Mirkarimi
Excused: 1- Mar

APPROVED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Alioto-Pier
Excused: 1 - Daly

From the Rules Committee Without Recommendation

090046 **[Settlement of Lawsuits - Robert Weaver, et al., Michael Moynihan, et al., and Peter A. Green, et al.]**
Ordinance authorizing settlement of plaintiffs' claims in the lawsuits filed by Robert Weaver, et al., Michael Moynihan, et al., and Peter A. Green, et al., acting for themselves and others similarly situated, against the City and County of San Francisco for $1,291,741.11 plus 7% simple interest from January 4, 2009 to date of payment; the lawsuits were filed on: (a) April 14, 2003, in the United States District Court for the Northern District of California, Case No. 03-1589 SI, entitled Weaver, et al. v. City and County of San Francisco; (b) November 14, 2006 in the United States District Court for the Northern District of California, Case No. 06-7071 SI, entitled Moynihan, et al. v. City and County of San Francisco; and (c) November 7, 2006 in the United States District Court for the Northern District of California, Case No. 06-6953 SI, entitled Green, et al. v. City and County of San Francisco. (City Attorney)

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Maxwell, seconded by Supervisor Chu, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Daly introduced, welcomed and presented a Certificate of Honor to Teresa Almaguer in recognition of Women's History Month.

Supervisor Alioto-Pier introduced, welcomed and presented a Certificate of Honor to Judge Suzanne R. Bolanos in recognition of Women's History Month.

Supervisor Maxwell introduced, welcomed and presented Certificates of Honor to Billie Calvin, Taneshia Miller and Raquel Miller in recognition of Women's History Month.

Supervisor Chiu introduced, welcomed and presented a Certificate of Honor to Juliene M. Christensen in recognition of Women's History Month.

Supervisor Campos introduced, welcomed and presented a Certificate of Honor to Petra DeJesus in recognition of Women's History Month.

Supervisor Elsbernd introduced, welcomed and presented a Certificate of Honor to Suzanne Gautier in recognition of Women's History Month.

Supervisor Mirkarimi introduced, welcomed and presented Certificates of Honor to Melonie J. Green and Melorra J. Green in recognition of Women's History Month.

Supervisor Mar introduced, welcomed and presented a Certificate of Honor to Pam Tau Lee in recognition of Women's History Month.

Supervisor Dufty introduced, welcomed and presented a Certificate of Honor to Helen P. Nigg in recognition of Women's History Month.

Supervisor Avalos introduced, welcomed and presented a Certificate of Honor to Lucy Sanchez in recognition of Women's History Month.

Supervisor Chu introduced, welcomed and presented a Certificate of Honor to Lara Truppelli in recognition of Women's History Month.

Katherine Dodd, on behalf of the Mayor, introduced, welcomed and presented a Certificate of Honor to Chief Heather Fong, San Francisco Chief of Police.

SPECIAL ORDER 4:00 P.M.

090109 [Public Hearing - Appeal of Categorical Exemption from Environmental Review for 717 Battery Street/350 Pacific Avenue]

Hearing of persons interested in or objecting to the decision of the Planning Department's determination dated December 19, 2008, that a project at 717 Battery Street/350 Pacific Avenue (Case No. 2007.1460E) (Building Permit Application Nos. 2003.02.12.7271; 2005.04.21.0598 (UMB retrofit); and 2005.0321.8084 (two-story vertical addition)) is exempt from environmental review under Categorical Exemption, Class 32 [State CEQA Guidelines, Section 15332]. The proposal would add to and rehabilitate the Musto Building, to expand the existing office use and provide ground-floor commercial and restaurant space. The project site (Assessor's Block 0165, Lot 022) is within a C-2 (Community Business) Use District, and in a 65-A Height and Bulk District, and in a Special Use District-the Washington-Broadway Special Use District No. 2. (Appellant: Susan Brandt-Hawley on behalf of San Francisco Preservation Action.)

(Filed January 30, 2009; Companion to Files 090110, 090111, 090112; District 3.)

The President inquired as to whether any member of the public wished to address the Board members.

Continued to April 7, 2009

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Categorical Exemption from Environmental Review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

090110 [Affirming the categorical exemption issued for the 717 Battery Street/350 Pacific Avenue project]

Motion affirming the determination by the Planning Department that the 717 Battery Street/350 Pacific Avenue project is categorically exempt from environmental review under the California Environmental Quality Act.

Continued to April 7, 2009

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090111 [Disapproving the categorical exemption issued for the717 Battery Street/350 Pacific Avenue project]

Motion disapproving the determination by the Planning Department that the 717 Battery Street/350 Pacific Avenue project is categorically exempt from environmental review under the California Environmental Quality Act.

Continued to April 7, 2009

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090112 [Preparation of findings related to the 717 Battery Street/350 Pacific Avenue project]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 717 Battery Street/350 Pacific Avenue is exempt from environmental review under the California Environmental Quality Act.

Continued to April 7, 2009

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

James Chaffee; expressed concern with issues relating to the SF Public Library
Gail Samone; expressed concern with issues relating the Comedy Outreach Program and the Comedy Walk of Fame
Ken Johnson; expressed concern with issues relating to Public Access Channels
Male speaker, expressed concern with issues relating to using the stimulus package for an African American Center
Female speaker, expressed concern with issues relating to solving child homicides and violence in the community
Randall Eugene Evans; expressed concern with issues relating to solving child homicides and violence in the community
Male speaker; expressed concern with issues relating to SRO hotel renovations
Edmond Juicy; expressed concern with issues relating to legalized cannabis and homeless support services
Ed Sharpless; expressed concern with issues relating to the Bay to Bay Breaker's Race
Male speaker; expressed concern with issues relating to the Bay to Bay Breaker's Race
Male speaker, expressed concern with issues relating to the Bay to Bay Breaker's Race
Ace Washington; expressed concern with issues relating to the Western Addition

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

090243 [Urging Congress to pass the Uniting American Families Act]
Supervisors Campos, Dufty, Avalos, Chiu

Resolution urging Congress to pass the Uniting American Families Act and supporting the removal of legal barriers to immigration by permanent same-sex partners.

ADOPTED

090247 [Celebrating the reopening of the Angel Island Immigration Station]
Supervisors Mar, Chiu, Chu

Resolution celebrating the reopening of the Angel Island Immigration Station.

Supervisor Chu requested to be added as a co-sponsor.
ADOPTED

090248 [Accept-Expend State Grant - Sheriff's Department - $96,885]
Supervisor Mirkarimi

Resolution authorizing the Sheriff's Department of the City and County of San Francisco to accept and expend $96,885 in additional funds from the Corrections Standards Authority for the standards and training of local corrections and probation officers programs; stipulating adherence to standards for recruitment and training established by the Corrections Standards Authority, waiving any indirect costs.

ADOPTED

090231 [Extending Time for Negotiations with Labor Unions to June 30, 2009]
Mayor

Motion extending time for negotiations pursuant to Charter Section 11.100.

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed From the For Adoption Without Committee Reference

Supervisor Elsbernd requested that this matter be severed that it might be considered separately.

090240 **[Declaring the City's intention to appropriate available Rainy Day Reserve funds to the San Francisco Unified School District]**

Mayor, Supervisors Dufty, Avalos, Chiu, Alioto-Pier, Campos, Maxwell, Mirkarimi, Chu, Mar

Resolution declaring the City's intention to appropriate available Rainy Day Reserve funds to the San Francisco Unified School District, to help the District cope with the loss of State funding for the 2009-2010 school year.

Continued to March 17, 2009

Supervisor Elsbernd, seconded by Supervisor Dufty, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Daly requested that this matter be severed that it might be considered separately.

090241 **[90 day extension for Historic Preservation Commission review - The Metro Theatre]**

Supervisor Alioto-Pier

Resolution extending by 90 days the prescribed time within which the Historic Preservation Commission may render its decision on a proposed Resolution that would initiate the designation of The Metro Theatre, 2055 Union Street, Lot 018 in Assessor's Block 0541, as a landmark pursuant to Section 1004.1 of the Planning Code.

REFERRED.

Supervisor Elsbernd requested that this matter be severed that it might be considered separately.

090242 **[Urging passage of the Marijuana Control, Regulation and Education Act (AB 390) which would tax and regulate marijuana in a manner similar to alcohol]**

Supervisors Campos, Avalos, Chiu, Daly, Mar, Maxwell, Mirkarimi, Dufty

Resolution supporting the recently proposed state legislation, the Marijuana Control, Regulation and Education Act (AB 390), which would tax and regulate marijuana in a manner similar to alcohol.

Continued to March 17, 2009

Supervisor Elsbernd, seconded by Supervisor Chu, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd requested that this matter be severed that it might be considered separately.

090246 **[Urging President Barack Obama and Senators Barbara Boxer and Dianne Feinstein to appoint a new U.S. Attorney for the Northern District of California]**
Supervisors Campos, Avalos, Daly, Mar, Mirkarimi, Chiu

Resolution urging President Barack Obama and Senators Barbara Boxer and Dianne Feinstein to appoint a new U.S. Attorney for the Northern District of California.

Continued to March 17, 2009

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mirkarimi requested that this matter be severed that it might be considered separately.

090249 **[Urging the organizers of the Bay to Breakers to collaborate on a comprehensive plan that protects the neighborhoods while preserving the unique spirit of the race]**
Supervisors Mirkarimi, Mar, Avalos, Maxwell, Campos, Dufty

Resolution urging the sponsors of the Bay to Breakers race to work with city agencies, neighborhood groups, and race advocates to develop a comprehensive plan that protects the host neighborhoods while preserving the unique spirit of the race.

Supervisor Chiu requested to be added as a co-sponsor.
Supervisor Mirkarimi requested that this matter be referred to Committee.
REFERRED.

Supervisor Elsbernd requested that this matter be severed that it might be considered separately.

090239 **[Adopting a proposed schedule of audits to be conducted of programs of City and County departments]**
Supervisor Mirkarimi

Motion adopting a proposed schedule of audits to be conducted of programs of City and County departments.

Continued to March 17, 2009

Supervisor Mirkarimi, seconded by Supervisor Daly, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

Supervisor Avalos, seconded by Supervisor Dufty, moved ADOPTION of the serious injury finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Avalos, seconded by Supervisor Dufty, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090268 [Canceling the Regularly Scheduled Board Meeting on Tuesday, March 10, 2009]

Supervisor Chiu

Motion canceling the regularly scheduled Board meeting on Tuesday, March 10, 2009.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

090210 [Zoning Map Amendment - 2400 Irving Street]

Ordinance amending the San Francisco Planning Code by amending the Zoning Map of the City and County of San Francisco by amending Sheet ZN05 and Sheet SU05 to change the zoning classification of the northern portion of the property located at 2400 Irving Street, Block 1725, Assessor's Lot No. 053, from RH-2 (Residential House, Two-Family) to NC-2 (Small-Scale Neighborhood Commercial District) and include it within the Irving Street Restaurant & Fast Food Restricted Use SUD; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and Priorities of Planning Code Section 101.1(b). (Planning Department)

2/19/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/2/2009.

090211 [Planning Code-Amending Appendix C to Article 11 Regarding 608 Folsom Street]

Ordinance amending the designation of 608 Folsom Street (Assessor's Block 3735, Lot 009) from Category V (Unrated) to Category III (Contributory) under Planning Code Article 11; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings. (Planning Commission)

2/19/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/2/2009.

090212 [Settlement of Lawsuit - State of California v. Foley, City and County of San Francisco, et al.]

Ordinance authorizing settlement of the lawsuit filed by State of California, acting through the Department of Transportation ("Caltrans") against the City and County of San Francisco in exchange for the provision of an easement modification agreement relocating certain access rights and otherwise preserving the pre-existing easement rights of the City and County of San Francisco and making environmental findings; the lawsuit was filed on June 29, 2006 in Alameda County Superior Court, Case No. RG06277087, entitled State of California v. Foley, City and County of San Francisco, et al.; other material terms of said settlement are set forth in the Stipulation For Judgment in Condemnation and [Proposed] Judgment (and exhibits thereto), contained in Board of Supervisors File No. 090212. (City Attorney)

2/19/09, RECEIVED AND ASSIGNED to Rules Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:37 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

Tuesday, March 17, 2009 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Chu, Campos, Dufty	Wednesday 11:00 AM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly, Alioto-Pier	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Campos, Mirkarimi, Alioto-Pier	1st and 3rd Monday 11:00 AM
Rules Committee Supervisors Daly, Chu, Campos	1st and 3rd Thursday 10:00 AM

GOVERNMENT
DOCUMENTS DEPT

MAR 19 2009

SAN FRANCISCO
PUBLIC LIBRARY

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:06 p.m. On the call of the roll all Supervisors were noted present.

APPROVAL OF MEETING MINUTES

Supervisor Chu, seconded by Supervisor Avalos, moved to approve the Board Meeting Minutes of January 27, 2009, February 3, 2009 and February 10, 2009. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

AGENDA CHANGES

COMMUNICATIONS

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

090220 **[Apply-accept-expend State Grant funds - Recreation and Park Department - $65,000]**
Supervisor Mar

Resolution authorizing the San Francisco Recreation and Park Department to apply for, accept and expend an Urban Forestry Public Education Grant administered by the California Department of Forestry and Fire Protection in the amount of $65,000 for the Urban Forestry Project.

ADOPTED

090221 [Apply-accept-expend State Grant funds - Recreation and Park Department - $200,000]
Supervisor Mar

Resolution authorizing the San Francisco Recreation and Park Department to apply for, accept and expend an Urban Forestry Inventory Grant administered by the California Department of Forestry and Fire Protection in the amount of $200,000 for the Urban Forestry Inventory Project.

(Fiscal Impact.)

ADOPTED

Recommendations of the Land Use and Economic Development Committee

090137 [Landmark Tree Designation of California Buckeye, Aesculus Californica, located behind 757 Pennsylvania Street]
Supervisor Maxwell

Ordinance designating the California Buckeye (Aesculus Californica) located behind 757 Pennsylvania Street (Assessor's Block 4168, Lot 011) as a landmark tree pursuant to Public Works Code Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation.

FINALLY PASSED

Recommendations of the Rules Committee

090117 [Settlement of Lawsuit - Antia Lelaind - $175,000]

Ordinance authorizing settlement of the lawsuit filed by Antia Lelaind against the City and County of San Francisco et al. for $175,000; the lawsuit was filed on September 22, 2006, in the United States District Court of the Northern District of California, Case No. C06-05870 MHP; entitled Antia Lelaind v. City and County of San Francisco, et al. (City Attorney)

PASSED ON FIRST READING

090158 [Settlement of Lawsuit - Mark Boyd - $85,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Mark Boyd against the City and County of San Francisco for $85,000; the lawsuit was filed on January 31, 2005 in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED ON FIRST READING

090172 [Settlement of complaint before the Federal Energy Regulatory Commission and approval of Revised Procedures]

Ordinance authorizing settlement of proceedings before the Federal Energy Regulatory Commission in FERC Dockets No. ER05-516-000, et al, initiated by the City against Pacific Gas & Electric Company contesting costs and terms and conditions for the interconnection of City facilities under the Interconnection Agreement with PG&E and approving the Revised Procedures for interconnection of City facilities. (Public Utilities Commission)

PASSED ON FIRST READING

090155 **[Settlement of Claim - Deo Dutt - $98,443.83]**

Resolution approving the settlement of unlitigated claim of State Farm Insurance Company as subrogee for Deo Dutt against the City and County of San Francisco for $98,443.83; claim was filed on October 21, 2008. (City Attorney)

ADOPTED

090037 **[Appointments, Mental Health Board - Errol Wishom, Mary Ann Jones and Virginia Wright]**

Motion appointing Errol Wishom, Mary Ann Jones and Virginia Wright, terms ending January 31, 2010 and January 31, 2012, to the Mental Health Board.

APPROVED

090244 **[Appointments, Library Citizens Advisory Committee - Theodore Bamberger and Houston Garcia]**

Motion appointing Theodore Bamberger and Houston Garcia, terms ending July 18, 2010, to the Library Citizens Advisory Committee, residency requirement waived.

Theodore Bamberger, succeeding himself, term expired, seat 12, must be member from the community at large, representative of senior citizens for a two-year term ending July 18, 2010.
Houston Garcia, succeeding Douglas Ryan, term expired, seat 14, must be a member from the community at large, representative of youth and children who shall be between the ages of thirteen and twenty-three at the time of appointment, for a two-year term ending July 18, 2010.

APPROVED

090245 **[Appointment, Asthma Task Force - Rondell Lane, M.D.]**

Motion appointing Rondell Lane, M.D., term ending July 1, 2011, to the Asthma Task Force.

Rondell Lane, M.D., succeeding Natasha Madaris, resigned, seat 1, must be a representative of a community-based organization that provides community-based research or advocacy related to asthma issues in San Francisco and is a voting member, for term ending July 1, 2011.

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed From the Consent Agenda

Supervisor Maxwell requested that this matter be severed so that it might be considered separately.

081560 [India Basin Industrial Park Zoning Map Amendment]
Supervisor Maxwell

Ordinance amending the San Francisco Planning Code by amending Sectional Map Sheets ZN08, ZN10, SU08 and SU10 to change the use classification of certain parcels in and around the India Basin Industrial Park Redevelopment Project Area from M-1 (Light Industrial) and M-2 (Heavy Industrial) Districts to PDR-1-B (Light Industrial, Buffer) and PDR-2 (Production, Distribution, and Repair) Districts and to incorporate all of the subject parcels into the India Basin Industrial Park Special Use District; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Supervisor Maxwell, seconded by Supervisor Mar, moved that this Ordinance be RE-REFERRED to the Land Use and Economic Development Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

081561 [India Basin Industrial Park, Planning Code Text Amendment]
Supervisor Maxwell

Ordinance amending the San Francisco Planning Code by adding Section 249.42 to create a new India Basin Industrial Park Special Use District; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Supervisor Maxwell, seconded by Supervisor Mar, moved that this Ordinance be RE-REFERRED to the Land Use and Economic Development Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

081592 [Appointments, Voting Systems Task Force - Joanne Sanford, Ka-Ping Yee, Gregory Miller, Beth Mazur, Tim Mayor, Elizabeth Bergman and Roger Donaldson]

Motion appointing Joanne Sanford, Ka-Ping Yee, Gregory Miller, Beth Mazur, Tim Mayor, Elizabeth Bergman and Roger Donaldson, terms to be determined, to the Voting Systems Task Force, residency requirement waived.

Supervisor Chu requested that this matter be severed so that it might be considered separately.
Supervisor Chu requested to divide the question relating to the appointment of Brent Turner. (See File No. 090333)

Supervisor Chu, seconded by Supervisor Elsbernd, moved that this Motion be APPROVED AS DIVIDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090333 [Appointment, Voting Systems Task Force - Brent Turner]

Motion appointing Brent Turner, term to be determined, to the Voting Systems Task Force.

Brent Turner, new assignment, seat 2, must represent good government groups, for two-year term to be determined.

Supervisor Chu, seconded by Supervisor Elsbernd, moved that this Motion be RE-REFERRED to the Rules Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

From the Rules Committee Without Recommendation

090046 **[Settlement of Lawsuits - Robert Weaver, et al., Michael Moynihan, et al., and Peter A. Green, et al.]**

Ordinance authorizing settlement of plaintiffs' claims in the lawsuits filed by Robert Weaver, et al., Michael Moynihan, et al., and Peter A. Green, et al., acting for themselves and others similarly situated, against the City and County of San Francisco for $1,291,741.11 plus 7% simple interest from January 4, 2009 to date of payment; the lawsuits were filed on: (a) April 14, 2003, in the United States District Court for the Northern District of California, Case No. 03-1589 SI, entitled Weaver, et al. v. City and County of San Francisco; (b) November 14, 2006 in the United States District Court for the Northern District of California, Case No. 06-7071 SI, entitled Moynihan, et al. v. City and County of San Francisco; and (c) November 7, 2006 in the United States District Court for the Northern District of California, Case No. 06-6953 SI, entitled Green, et al. v. City and County of San Francisco. (City Attorney)

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

NEW BUSINESS

Recommendations of the Budget and Finance Committee

081603 **[Redevelopment Agency Budget]**

Mayor, Supervisor Mirkarimi

Resolution approving an amendment to the budget of the Redevelopment Agency of the City and County of San Francisco for fiscal year 2008-2009 to reprogram $3,301,225 of funds budgeted for the Western Addition A2 Plan Area from the Muni Substation line item to the Fillmore Jazz Preservation District Revolving Loan Program line item in the amount of $2,366,000, to the Office of Economic and Workforce Development for marketing and economic development activities within the Fillmore Jazz Preservation District including predevelopment planning for the Muni Substation in the amount $535,225, subject to Budget and Finance Committee Reserve, and to a new Western Addition A2 property management line item in the amount of $400,000.

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 7 - Alioto-Pier, Campos, Chu, Dufty, Mar, Maxwell, Mirkarimi
Noes: 4 - Avalos, Chiu, Daly, Elsbernd

090197 [Tax Exempt and Taxable Revenue Certificates of Participation]
Mayor

Resolution of the City and County of San Francisco authorizing the execution and delivery from time to time of its Tax-Exempt and Taxable Lease Revenue Commercial Paper Certificates of Participation in an amount not to exceed $150,000,000 in order to provide short-term financing to pay for certain capital improvements, and approving and authorizing execution of a trust agreement and certain financing documents and authorizing other related actions.

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090131 [Appropriating $16,500,000 of State Loans for West Marina Yacht Harbor Renovations in the Recreation and Park Department for Fiscal Year 2008-2009]
Supervisor Alioto-Pier

Ordinance appropriating $17,000,000 of loan funding from the California Department of Boating and Waterways for renovations of the West Harbor of the Marina Yacht Harbor in the Recreation and Park Department for Fiscal Year 2008-2009, and placing $15,500,000 on Controller's Reserve pending receipt of the funds from the State within six (6) months for the prior quarter's invoiced costs.

(Fiscal Impact.)

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Ordinance appropriating $16,500,000 of loan funding from the California Department of Boating and Waterways for renovations of the West Harbor of the Marina Yacht Harbor in the Recreation and Park Department for Fiscal Year 2008-2009, and placing $15,500,000 on Controller's Reserve pending receipt of the funds from the State within six (6) months for the prior quarter's invoiced costs.

PASSED ON FIRST READING AS AMENDED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090100 [Solar Energy Incentive Program]
Supervisor Mirkarimi

Ordinance amending the San Francisco Environment Code by amending Sections 18.3, 18.4, 18.6, 18.7-1, 18.7-2, 18.7-3, 18.7-4, and 18.7-6, and by repealing Section 18.7-7, to increase the incentives available to low-income and non-profit applicants under the Solar Energy Incentive Program and to make technical changes to program requirements.

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 1 - Elsbernd

090140 **[De-appropriating $1,000,000 of Power for Resale for use with the Solar Incentive Program at the Public Utilities Commission for Fiscal Year 2008-2009]**

Mayor, Supervisors Mirkarimi, Dufty

Ordinance de-appropriating $1,000,000 of Power for Resale expenses and appropriating $1,000,000 for the Solar Incentive Program at the Public Utilities Commission for Fiscal Year 2008-2009, allowing $500,000 of low income/nonprofit funding to be utilized for the general GoSolarSF program, and amending San Francisco Environmental Code section 18.7-5

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Daly, Elsbernd

090275 **[Waiver of temporary street space occupancy fee on April 4, 2009 for Cesar E. Chavez Holiday Parade and Festival 2009]**

Supervisor Campos

Ordinance waiving the fee in Public Works Code Section 724.1(b) for temporary street space occupancy in certain blocks of 24th Street on Saturday, April 4, 2009 as part of Cesar E. Chavez Holiday Parade and Festival 2009.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Government Audit and Oversight Committee

081400 **[Recreation and Park Department - Water Use Efficiency and Recycled Water]**

Supervisors Mirkarimi, Maxwell

Ordinance making environmental findings and amending San Francisco Park Code Article 3 by adding Section 3.19, to require the Recreation and Park Department to maximize water use efficiency and to use Recycled Water where available for Park irrigation needs.

(Fiscal Impact.)

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved to re-refer this matter to Committee.
Motion to refer this matter to Committee failed by the following vote:
Ayes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd
Noes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Chu, Elsbernd

Recommendations of the Land Use and Economic Development Committee

081504 [Massage Services in South of Market Residential/Service Mixed Use District]
Supervisors Daly, Dufty

Ordinance amending the Planning Code by amending Section 803.4, Section 815, and Table 815 to allow a business operating as a full-service spa to provide massage services with a conditional use authorization; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

081598 [Public Works Code - Appellate body for minor sidewalk encroachments]
Supervisor Elsbernd

Ordinance amending the Public Works Code Section 723.2 to change the appellate body for Minor Sidewalk Encroachment Permits from the Board of Supervisors to the Board of Appeals.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

081620 [Zoning - Ordinance amending the Planning Code to correct errors and omissions]
Supervisor Maxwell

Ordinance amending the Planning Code to correct errors including: 1) amend Section 140(a) to properly reference Sections 504 and 503 of the Housing Code instead of 501.4 and 501.1, respectively; 2) amend 151 to specify the number of required parking spaces per beds in hospital uses; 3) amend Section 209.8 to link exceptions to "if permitted in the nearest NC District" instead of C-1 and C-2; 4) amend Section 263.9 to properly reference Chart C instead of Chart B and to reference Section 271 instead of Section 270(4) which does not exist; 5) amend Sections 816.67 (SLR District), 817.67 (SLI District), and 818.67 (SSO District) to properly reference Section 225 Wholesaling, Storage, Distribution and Open-Air Handling of Materials and Equipment instead of Section 255 which does not exist; 6) amend Appendix A to Article 10, List of Designated Landmarks to correct the number for certain Landmarks; and 7) amend each neighborhood commercial district and neighborhood commercial transit district to explicitly prohibit Amusement Enterprises as currently defined by Section 790.04, except NC-3 and NCT-3 where Amusement Enterprises would be reviewed as Conditional Use authorization per Section 303; making environmental findings; and findings of consistency with the City's General Plan and Planning Code Section 101.1. (Planning Department)

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Rules Committee

Supervisor Alioto-Pier Excused From Voting

Supervisor Elsbernd, seconded by Supervisor Daly, moved to excuse Supervisor Alioto-Pier from voting on this matter. The motion carried by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

090334 **[Appointment, San Francisco Bay Conservation and Development Commission - Supervisor Michela Alioto-Pier]**

Motion appointing Supervisor Michela Alioto-Pier, for an indefinite term, to the San Francisco Bay Conservation and Development Commission.

Michela Alioto-Pier, succeeding Aaron Peskin, seat 1, must be a member of the Board of Supervisors whose district includes within its boundaries lands lying within the San Francisco Bay (Districts 1, 2, 3, 6, and 10), for an indefinite term.

NOT APPROVED by the following vote:

Ayes: 4 - Chu, Dufty, Elsbernd, Maxwell
Noes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi
Excused: 2 - Alioto-Pier, Chiu

Supervisor Chiu Excused From Voting

Supervisor Dufty, seconded by Supervisor Avalos, moved to excuse Supervisor Chiu from voting on this matter. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Chiu

090057 **[Appointment, San Francisco Bay Conservation and Development Commission - David Chiu]**

Motion appointing Supervisor David Chiu, for an indefinite term, to the San Francisco Bay Conservation and Development Commission.

David Chiu, succeeding Aaron Peskin, seat 1, must be a member of the Board of Supervisors whose district includes within its boundaries lands lying within the San Francisco Bay (Districts 1, 2, 3, 6, and 10), for an indefinite term.

(Supervisor Chu dissented in Committee.)

Supervisor Daly, seconded by Supervisor Avalos, moved to duplicate the file and amend the duplicated file to include the appointment of Supervisor Alioto-Pier to the San Francisco Bay Conservation and Development Commission.
(See File No. 090334)

APPROVED by the following vote:

Ayes: 7 - Avalos, Campos, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Chu, Elsbernd
Excused: 2 - Alioto-Pier, Chiu

090151 **[Appointments, Golden Gate Bridge, Highway and Transportation District - Janet Reilly and Lynne Newhouse Segal]**

Motion appointing Janet Reilly and Lynne Newhouse Segal, terms ending January 31, 2011, to the Golden Gate Bridge Highway and Transportation District.

Janet Reilly, succeeding herself, term expired, seat 1, represents public at large, subject to review and affirmation by the Board of Supervisors, for a two year term ending January 31, 2011.

Lynne Newhouse Segal, succeeding herself, term expired, seat 4, represents public at large, subject to review and affirmation by the Board of Supervisors, for a two year term ending January 31, 2011.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisors Campos and Mar Excused From Voting

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved to excuse Supervisors Campos and Mar from voting on this matter. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi
Excused: 2 - Campos, Mar

090207 **[Appointment, Golden Gate Bridge, Highway and Transportation District - Supervisor David Campos]**

Motion appointing a member of the Board of Supervisors as a member of the Board of Directors, Golden Gate Bridge, Highway and Transportation District, term ending January 31, 2011.

(Supervisor Daly dissented in Committee.)

Supervisor Dufty, seconded by Supervisor Mar, moved to amend by adding the name of Supervisor David Campos for consideration of appointment to the Golden Gate Bridge District, Highway and Transportation District.
Motion passed with objection.

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved to amend by adding the name of Supervisor Eric Mar for consideration of appointment to the Golden Gate Bridge, Highway and Transportation District. (See File 090335)
Motion passed with objection.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved to amend by adding the name of Supervisor Alioto-Pier for consideration of appointment to the Golden Gate Bridge District, Highway and Transportation District.

Supervisor Mirkarimi withdrew is second to amend to add Supervisor Alioto-Pier's name for consideration.

Supervisor Dufty, seconded by Supervisor Mar, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi
Excused: 2 - Campos, Mar

Motion appointing Supervisor David Campos as a member of the Board of Directors, Golden Gate Bridge, Highway and Transportation District, term ending January 31, 2011.

NOT APPROVED by the following vote:

Ayes: 5 - Avalos, Chiu, Daly, Dufty, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Elsbernd, Maxwell
Excused: 2 - Campos, Mar

090335 **[Appointment, Golden Gate Bridge, Highway and Transportation District - Supervisor Eric Mar]**

Motion appointing Supervisor Eric Mar, term ending January 31, 2011, to the Golden Gate Bridge Highway and Transportation District.

Supervisor Daly, seconded by Supervisor Avalos, moved that this Motion be REFERRED to the Rules Committee. The motion carried by the following vote:

Ayes: 5 - Avalos, Chiu, Daly, Elsbernd, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Maxwell
Excused: 2 - Campos, Mar

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Dufty introduced, welcomed and presented a Certificate of Honor to Gene Marie O'Connell in recognition of her service of 32 years to the City and County of San Francisco. Supervisors Elsbernd, Maxwell, Chu and Alioto-Pier also expressed their appreciation to Gene Marie O'Connell.

Supervisor Dufty introduced, welcomed and presented a Certificate of Honor to Mary Red in recognition of her service of 35 years to the City and County of San Francisco in the Clerk of the Board of Supervisor's Office. Supervisors Maxwell, Alioto-Pier, Avalos, Elsbernd, Mirkarimi, Daly, Chu also expressed their appreciation to Mary Red.

Supervisor Alioto-Pier introduced, welcomed, and presented a Certificate of Honor to members of the Presidio Trust Association.

SPECIAL ORDER 4:00 P.M.

090159 [Public Hearing - Appeal of Mitigated Negative Declaration - 110 The Embarcadero]

Hearing of persons interested in or objecting to the decision of the Planning Commission on November 6, 2008, approving a Mitigated Negative Declaration (Case No. 2006.1294E) for the proposed development at 110 The Embarcadero (Assessor's Block 3715, Lot 002). The project as proposed would demolish an existing two-story office building and construct a new 123-foot tall, 10-story over basement building containing approximately 52,890 square feet of office use; 2,490 square feet of ground floor retail space, 2,670 square feet of rooftop open space, and no parking spaces located within the C-3-O Zoning District and the 84-X Height and Bulk District. (Appellant: Sue C. Hestor on behalf of San Franciscans for Reasonable Growth)

(Filed 2/4/09; Companion Measure to 090160, 090161, 090162; District 6.)

The President inquired as to whether any member of the public wished to address the Board members.
Sue Hestor, Attorney for the San Franciscans for Responsible Growth, Appellant
Ralph Schoenman; support of the appellant
Lloyd Thibeaux; support of the appellant
Paul Currier; support of the appellant
Brad Paul; support of the appellant
Arthur Feinstein; support of the appellant
Male speaker; support of the appellant
Frank Askin; support of the appellant
Michael Corbett; support of the appellant
Gary Dollis; support of the appellant
Zack Stewart; support of the appellant
Joan Good; support of the appellant
Russ Miashiro; support of the appellant
Female speaker; support of the appellant
Nan Roth; support of the appellant
Brian McDonald; support of the appellant
Andy Katz; support of the appellant
Sarah Kelban; support of the appellant
Harvey Schwartz; support of the appellant
Peter; support of the appellant
John Logan; support of the appellant
David Harman; support of the appellant
Male speaker; support of the appellant
Commissioner Bill Sugaya; support of the appellant
David Osgood; support of the appellant
Evelyn Grossman; support of the appellant
Katherine Hyden; support of the appellant
Stewart Morton; support of the appellant
Steve Setzler; support of the appellant
Fred Hallerdice; support of the appellant

Bill Wyco, Tim Fry, Kevin Guy and Joyce Navarette, Representatives of the Planning Department reviewed their recommendations with the Board members.

Michael Burke and Jay Turnbull, Representing the project sponsor Hines Interests LP

Walter Johnson; support of the project sponsor
Ernestine Weiss; support of the project sponsor
Female speaker; support of the project sponsor
Representative of the Carpenter's Union; support of the project sponsor
Michael Tiera, Representative of the Building Trades Union; support of the project sponsor
Female speaker; support of the project sponsor
Paul Gephardt; support of the project sponsor
Joel Koeppel; support of the project sponsor

Dale Smith; support of the project sponsor
Charlie Lavery; support of the project sponsor
Chris Steiner; support of the project sponsor
Terry Andrews; support of the project sponsor
Jack Gold; support of the project sponsor
Ted Soo; support of the project sponsor
John A. Ratkin; support of the project sponsor
Michael Orfeld; support of the project sponsor
Harry Yaeger; support of the project sponsor
Dan Byer; support of the project sponsor
Male speaker; support of the project sponsor
Terry McGellitts; support of the project sponsor
Steve O'Connell; support of the project sponsor
Syad Maseree; support of the project sponsor
Dan; support of the project sponsor
Adrian Simi; support of the project sponsor
Claude Everhardt; support of the project sponsor
Larry Mazzola Jr.; support of the project sponsor
Dan Crevens; support of the project sponsor
Manny Flores; support of the project sponsor
Male speaker; support of the project sponsor

REBUTTAL PERIOD
Sue Hestor, Attorney for the San Franciscans for Responsible Growth, Appellant
Heard at Public Hearing.
The President declared the public hearing closed.
FILED.

(Only one of the following two motions should be approved.)

090160 **[Affirming adoption of the mitigated negative declaration for 110 The Embarcadero]**

Motion affirming Planning Commission adoption of the final mitigated negative declaration for 110 The Embarcadero.

Supervisor Daly, seconded by Supervisor Campos, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

090161 **[Reversing adoption of the mitigated negative declaration for 110 The Embarcadero]**

Motion reversing the Planning Commission adoption of the final mitigated negative declaration for 110 The Embarcadero.

Supervisor Daly, seconded by Supervisor Campos, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

090162 [Preparation of findings to reverse adoption of the mitigated negative declaration for 110 The Embarcadero]

Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission adoption of the final mitigated negative declaration for 110 The Embarcadero.

Supervisor Daly, seconded by Supervisor Campos, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

COMMITTEE REPORTS

081563 [Public Employment - San Francisco's Local Agency Formation Commission (LAFCO)]
Supervisor Mirkarimi

Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance 2008-2009) to reflect the addition of one position (.50 FTE) 9775 Senior Community Development Specialist II and one position (.50 FTE) 9770 Community Development Assistant to the Board of Supervisors (BOS).

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

090230 [MOU, Amendment No. 1 - Freight Checkers, Clerical Employees & Helpers, Local 856 (Supervising Registered Nurses, Unit 11.B.)]
Mayor

Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the Freight Checkers, Clerical Employees & Helpers, Local 856 (Supervising Registered Nurses, Unit 11.B.) by implementing specified terms and conditions of employment for fiscal years 2008-2009, 2009-2010 and 2010-2011.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Dufty

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

James Chaffee; expressed concern with issues relating to the SF Public Library
Walter; shared in song concern with general issues
Peter Warfield; expressed concern with issues relating to the closure of the Park Library
Tes Warley; expressed concern with issues relating to the closure of the Park Library
Collen; expressed concern with issues relating to the fiscal crisis in the Federal Government, State and City
John Jenkel; expressed concern with issues relating to US terrorism in unconstitutional wars
Don Becker; expressed support for SB810 California Health Insurance Reliability Act
Betty Kaho; expressed support for SB810 California Health Insurance Reliability Act
Barbara Cummins; expressed support for SB810 California Health Insurance Reliability Act

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

090288 **[Accept-Expend State Grant Funds - Recreation and Park Department - $40,045]**
Supervisor Alioto-Pier

Resolution authorizing the San Francisco Recreation and Park Department to accept and expend a grant in the amount of $40,045 for the Marina Green Pedestrian and Bicycle Improvement Project, under the Bicycle Facility Fund administered by the Bay Area Air Quality Management District (Air District).

ADOPTED

090289 **[Accept-Expend Grant Funds - Recreation and Park Department - $35,189]**
Supervisor Alioto-Pier

Resolution authorizing the San Francisco Recreation and Park Department to accept and expend a Carl Moyer Program Grant administered by the Bay Area Air Quality Management District (Air District) in the amount of $35,189.00 for the repowering (replacement) of a workboat diesel engine belonging to and operated by San Francisco Small Craft Harbor/Recreation and Park Department.

ADOPTED

090290 [Mountain Lake Park - Toxicity Issue]
Supervisors Alioto-Pier, Mar

Resolution urging CalTrans to use funds from the federal stimulus package to immediately resolve the toxicity issue at Mountain Lake through diversion of storm drains flowing directly into the lake and replacement of the outlet and overflow pipe and by dredging the lake to remove contaminated sediments and fill.

ADOPTED

090292 [Mediation Week in San Francisco - March 16 - 20, 2009]
Supervisors Chu, Chiu

Resolution declaring March 16th through 20th, 2009 as Mediation Week in San Francisco.

Supervisor Chiu requested to be added as a co-sponsor.
ADOPTED

090293 [Declaring San Francisco Arbor Week - March 7 - 14, 2009]
Supervisor Chu

Resolution declaring the week of March 7th through March 14th as Arbor Week in San Francisco.

ADOPTED

090294 [Commending Ming Pao Daily News - San Francisco edition]
Supervisors Chu, Chiu

Resolution commending Ming Pao Daily News' San Francisco edition for five years of service to the Chinese-American community in the San Francisco Bay Area.

ADOPTED

090295 [Accept- Expend Federal/State Pass Through Grant - San Francisco Public Library - $5,000]
Supervisor Chu

Resolution authorizing the Department of Public Library to retroactively accept and expend a grant in the amount of $5,000 from the California State Library as part of the Federal Library Services and Technology Act (LSTA) for the SFPL Partnerships Plan which will provide a coherent system for staff to document, nurture, learn about, and extend partnerships that strengthen library ties within the community.

ADOPTED

090204 [Final Map - 73-83 Grattan Street]
Motion approving Final Map 4294, a 6 Residential Unit Condominium Project, located at 73 – 83 Grattan Street being a subdivision of Lot 025 in Assessors Block No. 1280 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,057; District 5.)

APPROVED

090206 **[Final Map - 1300-1320 Potrero Avenue, 2801 25th Street]**

Motion approving Final Map 4876, a Two Lot Subdivision with a Three Unit Commercial Condominium Project on Parcel "A" and a Two Unit Commercial Condominium Project on Parcel "B", located at 1300 – 1320 Potrero Avenue, 2801 25th Street being a subdivision of Lot 029 in Assessors Block No. 4276 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,072; District 9.)

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed From the For Adoption Without Committee Reference

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

090240 **[Declaring the City's intention to appropriate available Rainy Day Reserve funds to the San Francisco Unified School District]**

Mayor, Supervisors Dufty, Avalos, Chiu, Alioto-Pier, Campos, Maxwell, Mirkarimi, Chu, Mar

Resolution declaring the City's intention to appropriate available Rainy Day Reserve funds to the San Francisco Unified School District, to help the District cope with the loss of State funding for the 2009-2010 school year.

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090242 **[Urging passage of the Marijuana Control, Regulation and Education Act (AB 390) which would tax and regulate marijuana in a manner similar to alcohol]**

Supervisors Campos, Avalos, Chiu, Daly, Mar, Maxwell, Mirkarimi, Dufty

Resolution supporting the recently proposed state legislation, the Marijuana Control, Regulation and Education Act (AB 390), which would tax and regulate marijuana in a manner similar to alcohol.

ADOPTED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

090246 **[Urging President Barack Obama and Senators Barbara Boxer and Dianne Feinstein to appoint a new U.S. Attorney for the Northern District of California]**

Supervisors Campos, Avalos, Daly, Mar, Mirkarimi, Chiu

Resolution urging President Barack Obama and Senators Barbara Boxer and Dianne Feinstein to appoint a new U.S. Attorney for the Northern District of California.

ADOPTED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Chu, Daly, Mar, Mirkarimi
Noes: 4 - Alioto-Pier, Dufty, Elsbernd, Maxwell

Supervisor Campos, seconded by Supervisor Mirkarimi, moved to rescind the previous vote: Motion to rescind the previous passed without objection.

Supervisor Campos, seconded by Supervisor Mirkarimi, moved to waive the Board Rule 2.1to refer matters to Committee.

Motion to waive Board Rule 2.1 passed by the following vote:
Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Alioto-Pier, Elsbernd

ADOPTED by the following vote:
Ayes: 7 - Avalos, Campos, Chiu, Chu, Daly, Mar, Mirkarimi
Noes: 4 - Alioto-Pier, Dufty, Elsbernd, Maxwell

090239 [Adopting a proposed schedule of audits to be conducted of programs of City and County departments]
Supervisor Mirkarimi

Motion adopting a proposed schedule of audits to be conducted of programs of City and County departments.

Continued to March 24, 2009

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved that this Motion be CONTINUED. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Avalos requested that this matter be severed so that it might be considered separately.

090291 [Supporting Senate Bill 810, the California Universal Health Care Act of 2009]
Supervisors Avalos, Campos, Daly, Mar, Mirkarimi, Chiu

Resolution supporting Senate Bill 810, the California Universal Health Care Act of 2009.

Supervisor Avalos, seconded by Supervisor Mirkarimi, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ADOPTED AS AMENDED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved ADOPTION of the purely commendatory finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolution(s) being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090257 **[Commending Mary Red]**

Supervisors Dufty, Chiu, Maxwell, Daly, Alioto-Pier, Elsbernd, Mirkarimi, Chu, Campos, Mar, Avalos

Resolution commending Mary Red on the occasion of her retirement from the Office of the Clerk of the Board of Supervisors after 35 years of service to the City and County of San Francisco. (Clerk of the Board)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090305 **[Honoring Gene Marie O'Connell's 32 years of service and the contributions she has made to the City and County of San Francisco]**

Supervisors Dufty, Elsbernd, Avalos, Chiu, Maxwell, Mirkarimi, Chu, Campos, Mar

Resolution honoring Gene Marie O'Connell's 32 years of service and the contributions she has made to the City and County of San Francisco.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

090261 [Settlement of Lawsuit - Estenoz v. First American Title Insurance Company, et al.]

Ordinance authorizing settlement of the lawsuit entitled Estenoz v. First American Title Insurance Company, et al., filed on November 26, 2007 by Ernesto Estenoz, Administrator With Will Annexed of the Estate of Guillermo Crosbie-Grimaldo, aka G. Crosbie-Grimaldo, aka Guillermo Crosbie, deceased, against the City and County of San Francisco, in San Francisco Superior Court Case No.CGC 07-469460 ; settlement in exchange for plaintiff's waiver of the right to appeal the order granting summary judgment and judgment entered thereon, and on such further terms set forth in the Settlement Agreement dated as of January 31, 2009, contained in Board of Supervisors File No. 090261, or as shall be negotiated and approved by the City Attorney's Office. (City Attorney)

2/26/09, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

090251 [Approve SFPUC Sunol Valley Construction Management Contract]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute Water System Improvement Program-funded Professional Service Agreement No. CS-915R, Sunol Valley Regional Construction Management Services, with CH2MHill, for an amount not to exceed $16,000,000 with a term of up to 60 months, pursuant to San Francisco Charter Section 9.118. (Public Utilities Commission)

3/9/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090252 [Street Encroachment at 19th Avenue and Crespi Drive]

Resolution granting revocable permission to Parkmerced Investors Properties LLC, to occupy portions of the public right-of-way to construct, realign, and maintain an existing paved curb islands to improve pedestrian accessibility and vehicular traffic circulation and safety, resurface portions of Crespi Drive with new Bomanite stamped concrete paving and install three (3) decorative columns at the entry way to Crespi Drive public right-of-way, between 19th Avenue and Serrano Drive, to enhance the Property at 3711 19th Avenue (Assessor's Blocks 7315, 7316, 7320), conditioned upon the payment of an annual assessment fee; and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Public Works Department)

3/9/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090262 [Lease of Real Property at 520 Jones Street]

Resolution authorizing and approving the lease by and between the City and County of San Francisco, for the Department of Public Health, as Tenant, and Pacific Bay Inn, Inc., as Landlord, for the Pacific Bay Inn located at 520 Jones Street, San Francisco. (Real Estate Department)

3/2/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090263 [Approval of an historical property contract for 166-178 Townsend Street]

Resolution under Chapter 71 of the San Francisco Administrative Code, approving an historical property contract between 178 Townsend Properties LLC, the owner of 166-178 Townsend Street, and the City and County of San Francisco; authorizing the Director of Planning and the Assessor to execute the historical property contract. (Planning Department)

3/2/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

ADJOURNMENT

There being no further business the Board adjourned at the hour of 8:18 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

VOTES

MEETING MINUTES - DRAFT

Tuesday, March 24, 2009 2:00 PM

GOVERNMENT
DOCUMENTS DEPT

MAR 26 2009

SAN FRANCISCO
PUBLIC LIBRARY

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Chu, Campos, Dufty	Wednesday 11:00 AM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly, Alioto-Pier	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Campos, Mirkarimi, Alioto-Pier	1st and 3rd Monday 11:00 AM
Rules Committee Supervisors Daly, Chu, Campos	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:06 p.m. On the call of the roll all Supervisors were noted present.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

090275 [Waiver of temporary street space occupancy fee on April 4, 2009 for Cesar E. Chavez Holiday Parade and Festival 2009]
Supervisor Campos

Ordinance waiving the fee in Public Works Code Section 724.1(b) for temporary street space occupancy in certain blocks of 24th Street on Saturday, April 4, 2009 as part of Cesar E. Chavez Holiday Parade and Festival 2009.

FINALLY PASSED

Recommendation of the Government Audit and Oversight Committee

090230 [MOU, Amendment No. 1 - Freight Checkers, Clerical Employees & Helpers, Local 856 (Supervising Registered Nurses, Unit 11.B.)]
Mayor

Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the Freight Checkers, Clerical Employees & Helpers, Local 856 (Supervising Registered Nurses, Unit 11.B.) by implementing specified terms and conditions of employment for fiscal years 2008-2009, 2009-2010 and 2010-2011.

FINALLY PASSED

Recommendations of the Land Use and Economic Development Committee

081504 [Massage Services in South of Market Residential/Service Mixed Use District]
Supervisors Daly, Dufty

Ordinance amending the Planning Code by amending Section 803.4, Section 815, and Table 815 to allow a business operating as a full-service spa to provide massage services with a conditional use authorization; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

FINALLY PASSED

081598 [Public Works Code - Appellate body for minor sidewalk encroachments]
Supervisor Elsbernd

Ordinance amending the Public Works Code Section 723.2 to change the appellate body for Minor Sidewalk Encroachment Permits from the Board of Supervisors to the Board of Appeals.

FINALLY PASSED

Recommendations of the Rules Committee

090117 [Settlement of Lawsuit - Antia Lelaind - $175,000]

Ordinance authorizing settlement of the lawsuit filed by Antia Lelaind against the City and County of San Francisco et al. for $175,000; the lawsuit was filed on September 22, 2006, in the United States District Court of the Northern District of California, Case No. C06-05870 MHP; entitled Antia Lelaind v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

090158 [Settlement of Lawsuit - Mark Boyd - $85,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Mark Boyd against the City and County of San Francisco for $85,000; the lawsuit was filed on January 31, 2005 in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

090172 [Settlement of complaint before the Federal Energy Regulatory Commission and approval of Revised Procedures]

Ordinance authorizing settlement of proceedings before the Federal Energy Regulatory Commission in FERC Dockets No. ER05-516-000, et al, initiated by the City against Pacific Gas & Electric Company contesting costs and terms and conditions for the interconnection of City facilities under the Interconnection Agreement with PG&E and approving the Revised Procedures for interconnection of City facilities. (Public Utilities Commission)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the Consent Agenda

Supervisor Campos requested that this matter be severed so that it might be considered separately.

081620 **[Zoning - Ordinance amending the Planning Code to correct errors and omissions]**
Supervisor Maxwell

Ordinance amending the Planning Code to correct errors including: 1) amend Section 140(a) to properly reference Sections 504 and 503 of the Housing Code instead of 501.4 and 501.1, respectively; 2) amend 151 to specify the number of required parking spaces per beds in hospital uses; 3) amend Section 209.8 to link exceptions to "if permitted in the nearest NC District" instead of C-1 and C-2; 4) amend Section 263.9 to properly reference Chart C instead of Chart B and to reference Section 271 instead of Section 270(4) which does not exist; 5) amend Sections 816.67 (SLR District), 817.67 (SLI District), and 818.67 (SSO District) to properly reference Section 225 Wholesaling, Storage, Distribution and Open-Air Handling of Materials and Equipment instead of Section 255 which does not exist; 6) amend Appendix A to Article 10, List of Designated Landmarks to correct the number for certain Landmarks; and 7) amend each neighborhood commercial district and neighborhood commercial transit district to explicitly prohibit Amusement Enterprises as currently defined by Section 790.04, except NC-3 and NCT-3 where Amusement Enterprises would be reviewed as Conditional Use authorization per Section 303; making environmental findings; and findings of consistency with the City's General Plan and Planning Code Section 101.1. (Planning Department)

Supervisor Elsbernd moved to divide the question relating to the proposed change to the height limit for property located at Block 3616, Lot 07.

Supervisor Daly, seconded by Supervisor Campos, moved to table the remaining legislation without the proposed amendment.
Supervisor Daly withdrew his motion to table the matter.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved to continue this matter to June 2, 2009.
Motion to continue this matter to June 2, 2009 failed by the following vote:
Ayes: 5 - Avalos, Campos, Chiu, Daly, Mirkarimi
Noes: 6 - Alioto-Pier, Chu, Dufty, Elsbernd, Mar, Maxwell

FINALLY PASSED by the following vote:
Ayes: 6 - Alioto-Pier, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 5 - Avalos, Campos, Chiu, Daly, Mirkarimi

Supervisor Campos, seconded by Supervisor Avalos, moved to amend to include language relating to the height for property located at Block 3616, Lot 07 to correct the clerical error to reduce the height from "85 ft" to "65 ft."
Motion to amend passed by the following vote.
Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Matter will be referred to the Land Use & Economic Committee.

The Clerk of the Board was directed to refer this matter to the Planning Department for review and comment.

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

090100 [Solar Energy Incentive Program]
Supervisors Mirkarimi, Campos, Mar

Ordinance amending the San Francisco Environment Code by amending Sections 18.3, 18.4, 18.6, 18.7-1, 18.7-2, 18.7-3, 18.7-4, and 18.7-6, and by repealing Section 18.7-7, to increase the incentives available to low-income and non-profit applicants under the Solar Energy Incentive Program and to make technical changes to program requirements.

Supervisors Campos and Mar requested to be added as a co-sponsors.

FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 1 - Elsbernd

090140 [De-appropriating $1,000,000 of Power for Resale for use with the Solar Incentive Program at the Public Utilities Commission for Fiscal Year 2008-2009]
Mayor, Supervisors Mirkarimi, Dufty, Mar

Ordinance de-appropriating $1,000,000 of Power for Resale expenses and appropriating $1,000,000 for the Solar Incentive Program at the Public Utilities Commission for Fiscal Year 2008-2009, allowing $500,000 of low income/nonprofit funding to be utilized for the general GoSolarSF program, and amending San Francisco Environmental Code section 18.7-5.

Supervisor Mar requested to be added as a co-sponsor.

FINALLY PASSED by the following vote:
Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Daly, Elsbernd

090131 [Appropriating $16,500,000 of State Loans for West Marina Yacht Harbor Renovations in the Recreation and Park Department for Fiscal Year 2008-2009]
Supervisor Alioto-Pier

Ordinance appropriating $16,500,000 of loan funding from the California Department of Boating and Waterways for renovations of the West Harbor of the Marina Yacht Harbor in the Recreation and Park Department for Fiscal Year 2008-2009, and placing $15,000,000 on Controller's Reserve pending receipt of the funds from the State within six (6) months for the prior quarter's invoiced costs.

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Government Audit and Oversight Committee

081400 [Recreation and Park Department - Water Use Efficiency and Recycled Water]
Supervisors Mirkarimi, Maxwell, Campos, Mar

Ordinance making environmental findings and amending San Francisco Park Code Article 3 by adding Section 3.19, to require the Recreation and Park Department to maximize water use efficiency and to use Recycled Water where available for Park irrigation needs.

(Fiscal Impact.)

Supervisors Campos and Mar requested to be added as a co-sponsors.

Supervisor Mirkarimi, seconded by Supervisor Mar, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

081563 [Public Employment - San Francisco's Local Agency Formation Commission (LAFCO)]
Supervisors Mirkarimi, Mar

Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance 2008-2009) to reflect the addition of one position (.20 FTE) 9775L Senior Community Development Specialist II and one position (.20 FTE) 9770L Community Development Assistant to the Board of Supervisors (BOS).

(Fiscal Impact.)

Supervisor Mar requested to be added as a co-sponsor.

FINALLY PASSED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

NEW BUSINESS

Recommendation of the Budget and Finance Committee

090024 [Modifies the cap on the amount that an individual production can receive under the Film Rebate Program, eliminates partial rebate of hotel and sales tax]
Supervisors Alioto-Pier, Dufty

Ordinance amending Administrative Code Section 57.8 by changing the cap on individual rebates from the total amount of taxes that the production paid to the City, to $600,000, modifying the definition of "qualified production cost" by eliminating fees and hotel and sales taxes from that definition.

(Fiscal Impact.)

Supervisor Alioto-Pier, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Further amended to delete "entry levels."

PASSED ON FIRST READING AS AMENDED by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

Recommendations of the Land Use and Economic Development Committee

090077 [Approving a Zoning Map Amendment in association with the proposed Project at 420 29th Avenue]
Ordinance amending Sheet ZN04 of the Zoning Maps of the City and County of San Francisco for the real property located at 420 29th Avenue (Assessor's Block 1460/Lot 015) and known as St. Peter's Church between Geary Boulevard and Clement Street, to reclassify the property from an RH-2 (Residential House, Two-Family) District to an RM-1 (Residential Mixed, Low Density) District, in order to permit the development of a proposed affordable housing project for developmentally disabled adults; and adopting General Plan, Planning Code, and environmental findings. (Planning Department)

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090170 [Mission Bay North-Acceptance of Blocks N4, N4A and N5 Public Infrastructure Improvements]
Ordinance accepting the Mission Bay Blocks N4, N4A and N5 Public Infrastructure Improvements on Berry Street Connector Road, King Street Frontage Road and portions of Berry Street and Fifth Street; designating street grades and sidewalk widths; accepting the Irrevocable Offers of the acquisition facilities for public use and maintenance purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 178,006; and authorizing official acts in connection with this ordinance. (Public Works Department)

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090171 **[Mission Bay-Acceptance of 16th Street and Vermont Street Intersection Public Infrastructure Improvements]**

Ordinance accepting the 16th Street and Vermont Street Intersection Public Infrastructure Improvements; accepting the Irrevocable Offers of the acquisition facilities for public use and maintenance purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 178,016; and authorizing official acts in connection with this ordinance. (Public Works Department)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090284 **[Endorsing the Recommendations of the San Francisco Fair Lending Working Group]**

Supervisors Maxwell, Campos

Resolution endorsing the findings and recommendations contained in the final report of the San Francisco Fair Lending Working Group.

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 1 - Elsbernd

Board of Supervisors Sitting as a Committee of the Whole

090351 **[Committee of the Whole - Hearing on the proposed motion amending the Rules of Order of the Board of Supervisors by amending Rule 5.1]**

Supervisor Avalos

Hearing to discuss the proposed motion amending the Rules of Order of the Board of Supervisors by amending Rule 5.1 to create a subcommittee of the Budget and Finance Committee.

The President inquired as to whether any member any member wished to address the Board members.

There were no speakers.

The President declared the public hearing closed.

FILED.

090348 **[Creating a subcommittee of the Budget and Finance Committee - Board of Supervisors]**

Supervisor Avalos

Motion amending the Rules of Order of the Board of Supervisors by amending Rule 5.1 to create a subcommittee of the Budget and Finance Committee.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Alioto-Pier welcomed, introduced and presented Certificates of Honor to members of Liuna! Local 261, Nikki Mixon, Terry McDevitt, Edison Fincher, Adrian Field, Theresa Foglio and Joan Vellutini in recognition of their outstanding service to the City and County of San Francisco.

Supervisor Dufty welcomed, introduced and presented Certificates of Honor to members of the American Red Cross in appreciation for their service to the City and County of San Francisco.

Supervisor Campos welcomed, introduced and presented Certificates of Honor to members of Bernal Heights Neighborhood Center, Joseph Smooke and Kevin Kitchingham in recognition of their 30th Anniversary.

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdullah Megaheed; expressed concern with issues relating to the decrease in tourism due the homeless situation in San Francisco
James Chaffee; expressed concern with issues relating to the SF Public Library
Walter; shared in song certain issues with the Board
Male speaker; expressed concern with issues relating financial and economic crisis
Anastasia; expressed concern with issues relating financial and economic crisis
Marvin; expressed concern with issues relating financial and economic crisis
Male speaker; expressed concern with issues relating financial and economic crisis
Philip Gary; expressed support to Item 31 relating to the resolution commending restaurants that have stopped serving foie gras
Lori Back; expressed support to Item 31 relating to the resolution commending restaurants that have stopped serving foie gras
Female speaker; expressed support to Item 31 relating to the resolution commending restaurants that have stopped serving foie gras
Ryan Luker; expressed support to Item 31 relating to the resolution commending restaurants that have stopped serving foie gras
Marcus Lucero; expressed support to Item 31 relating to the resolution commending restaurants that have stopped serving foie gras
Peter Warfield; expressed concern with issues relating to the Park Library renovations
John Da Donna; expressed concern with issues to the deaths of soldiers dying in the Iraq War
Dr. Elliot Katz; expressed support to Item 31 relating to the resolution commending restaurants that have stopped serving foie gras
Male speaker; expressed concern with issues relating to the Shelter Monitoring Committee
Male speaker; expressed concern with issues relating to illegal immigrants

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

090338 [International Museum of Women]
Supervisors Alioto-Pier, Chu, Maxwell, Dufty, Mar, Campos

Resolution urging the City and County of San Francisco to aid the International Museum of Women in their efforts to secure a permanent physical location in San Francisco to display their exhibitions and to educate and enrich those who visit.

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

090339 [Timothy Pflueger Day - March 22, 2009]
Supervisors Chiu, Campos

Resolution proclaiming March 22, 2009, to be Timothy Pflueger Day in San Francisco.

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

090343 [Honoring Sandee Blechman for her thirteen years of dedicated service]
Supervisor Dufty

Resolution honoring Sandee Blechman for her thirteen years of dedicated service to the Jewish Community Center of San Francisco.

ADOPTED

090344 [Apply for Caltrans Transportation Planning Grant]
Supervisors Maxwell, Campos

Resolution authorizing the San Francisco Planning Department to apply for a planning grant from the California Department of Transportation (Caltrans) for the purpose of conducting a community design process for Cesar Chavez Street.

ADOPTED

090345 [Accept - Expend Private Grant - Arts Commission - $5,000]
Supervisor Maxwell

Resolution authorizing the Arts Commission of the City and County of San Francisco to retroactively accept and expend a grant in the amount of $5,000 from the Cynthia Woods Mitchell Fund for Historic Interiors (a fund of the National Trust for Historic Preservation) for the Bayview Opera House Renovation and Restoration Project.

ADOPTED

090346 **[Celebrating the Persian New Year Holiday of Nowruz and urging San Francisco's representatives in Congress to co-sponsor Congressperson Michael Honda's Nowruz Resolution]**
Supervisors Mirkarimi, Maxwell, Alioto-Pier, Dufty, Campos

Resolution celebrating the Persian New Year Holiday of Nowruz and urging San Francisco's representatives in Congress to co-sponsor Congressperson Michael Honda's Nowruz Resolution.

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

090347 **[Commending restaurants that have stopped serving foie gras]**
Supervisors Mirkarimi, Campos

Resolution commending restaurants that have removed foie gras from their menus.

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

The foregoing items were acted upon by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference

090239 **[Adopting a proposed schedule of audits to be conducted of programs of City and County departments]**
Supervisor Mirkarimi

Motion adopting a proposed schedule of audits to be conducted of programs of City and County departments.

Supervisor Mirkarimi requested that this matter be severed so that it might be considered separately.
APPROVED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090341 **[Celebrating March 2009 as American Red Cross Month]**
Supervisors Dufty, Campos

Resolution celebrating March 2009 as American Red Cross Month.

Supervisor Dufty requested that this matter be severed so that it might be considered separately.

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090349 [Board waiver of committee reference requirement and convening as a Committee of the Whole on March 24, 2009, for purposes of considering an amendment to Board Rule 5.1, which would create a subcommittee of the Budget and Finance Committee]
Supervisors Avalos, Elsbernd

Motion suspending Rule 4.38 of the Rules of Order of the San Francisco Board of Supervisors to consider, without reference to committee, an amendment to Board Rule 5.1 which would create a subcommittee of the Budget and Finance Committee of the San Francisco Board of Supervisors; motion that the Board sit as a Committee of the Whole on March 24, 2009, for the purpose of considering the proposed amendment to Rule 5.1.

Supervisor Dufty requested that this matter be severed so that it might be considered separately.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090350 [Board of Supervisors to sit as a Committee of the Whole - March 31, 2009]
Supervisors Maxwell, Chiu

Motion that the Board convenes as a Committee of the Whole on March 31, 2009, to consider Board of Supervisors File Number 090316, a hearing to discuss the Board's roles and responsibilities in the event of a City emergency.

Supervisor Maxwell requested that this matter be severed so that it might be considered separately.

Continued to March 31, 2009

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090342 [Recognizing freshwater as a human right and the importance of access to safe drinking water for all]
Supervisors Dufty, Campos

Resolution recognizing freshwater as a human right and the importance of access to safe drinking water for all.

Supervisor Dufty requested that this matter be severed so that it might be considered separately.

Supervisor Campos requested to be added as a co-sponsor.

REFERRED.

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Dufty, seconded by Supervisor Campos, moved ADOPTION of the purely commendatory act finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolution(s) being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Dufty, seconded by Supervisor Campos, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090359 [Commending officers of the Oakland Police Department who were killed in the line of duty]
Supervisors Dufty, Chiu, Alioto-Pier, Avalos, Campos, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi

Resolution honoring the public service of Oakland Police Department Officers John Hege, Mark Dunakin, Daniel Sakai and Ervin Romans on the occasion of their sacrifice in the line of duty.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

OFF-AGENDA LEGISLATION

PROPOSED RESOLUTIONS

090254 [Approving office supplies contract over $10 million with Office Depot]

Resolution approving the award of the City's new contract for office supplies to Office Depot (Contractor) and approving the contract's not-to-exceed amount of $17.5 million, pursuant to San Francisco Charter Section 9.118(b). (Office of Contract Administration)

3/13/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090256 [Agreement to Purchase an Access and Communication Easement in Tuolumne County]

Resolution approving and authorizing an agreement for the purchase of a perpetual, nonexclusive easement for access and installation of communications equipment in Tuolumne County (the "Easement"), for a purchase price of $9,600, to facilitate and implement the project to upgrade the Hetch Hetchy Communications System; adopting environmental findings and findings under San Francisco Planning Code Section 101.1; and authorizing the Director of Property and/or the General Manager of the San Francisco Public Utilities Commission to execute documents, make certain modifications and take certain actions in furtherance of this Resolution. (Real Estate Department)

3/16/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:01 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

VOTES

MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT

APR - 2 2009

SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, March 31, 2009 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Chu, Campos, Dufty	Wednesday 1:30 PM
Budget and Finance Subcommittee Supervisors Avalos, Mirkarimi, Chu	Wednesday 11:00 AM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly, Alioto-Pier	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Campos, Mirkarimi, Alioto-Pier	1st and 3rd Monday 11:00 AM
Rules Committee Supervisors Daly, Chu, Campos	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:04 p.m. On the call of the roll all Supervisors were noted present.

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Campos, moved to approve the Board Meeting Minutes of February 24, 2009, and March 3, 2009. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

090262 [Lease of Real Property at 520 Jones Street]

Resolution authorizing and approving the lease by and between the City and County of San Francisco, for the Department of Public Health, as Tenant, and Pacific Bay Inn, Inc., as Landlord, for the Pacific Bay Inn located at 520 Jones Street, San Francisco. (Real Estate Department)

ADOPTED

Recommendations of the City Operations and Neighborhood Services Committee

090198 [Accept and Expend Federal Grant Funds - San Francisco Fire Department - $297,030]

Supervisor Dufty

Resolution authorizing the San Francisco Fire Department to retroactively accept and expend a grant in the amount of $297,030 from the Federal Emergency Management Agency (FEMA) to develop and implement an Advanced Driver Training Program for its uniformed employees. (Fire Department)

ADOPTED

090282 [Accept and Expend Federal Grant Funds - Department of Public Works - $1,475,675]
Supervisor Elsbernd

Resolution authorizing the Department of Public Works to retroactively accept and expend a grant in the amount of $1,475,675 from the U.S. Department of Justice, Bureau of Justice Assistance Edward Byrne Memorial Discretionary Grants Program.

ADOPTED

090283 [Accept and Expend Department of Energy 700 Pennsylvania Avenue Grant Funds - $610,080]
Supervisor Maxwell

Resolution authorizing the San Francisco Public Utilities Commission (SFPUC) to accept and expend a grant in the amount of $610,080 from the U.S. Department of Energy through the Consolidated Appropriations Act of 2008 under the Energy Policy Act of 2005 (P.L. 109-58) for the Muni Ways & Structures Building (700 Pennsylvania Avenue) Solar Evaluation Project.

(Fiscal Impact.)

ADOPTED

Recommendations of the Land Use and Economic Development Committee

090077 [Approving a Zoning Map Amendment in association with the proposed Project at 420 29th Avenue]
Ordinance amending Sheet ZN04 of the Zoning Maps of the City and County of San Francisco for the real property located at 420 29th Avenue (Assessor's Block 1460/Lot 015) and known as St. Peter's Church between Geary Boulevard and Clement Street, to reclassify the property from an RH-2 (Residential House, Two-Family) District to an RM-1 (Residential Mixed, Low Density) District, in order to permit the development of a proposed affordable housing project for developmentally disabled adults; and adopting General Plan, Planning Code, and environmental findings. (Planning Department)

FINALLY PASSED

090170 [Mission Bay North-Acceptance of Blocks N4, N4A and N5 Public Infrastructure Improvements]
Ordinance accepting the Mission Bay Blocks N4, N4A and N5 Public Infrastructure Improvements on Berry Street Connector Road, King Street Frontage Road and portions of Berry Street and Fifth Street; designating street grades and sidewalk widths; accepting the Irrevocable Offers of the acquisition facilities for public use and maintenance purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 178,006; and authorizing official acts in connection with this ordinance. (Public Works Department)

FINALLY PASSED

090171 **[Mission Bay-Acceptance of 16th Street and Vermont Street Intersection Public Infrastructure Improvements]**

Ordinance accepting the 16th Street and Vermont Street Intersection Public Infrastructure Improvements; accepting the Irrevocable Offers of the acquisition facilities for public use and maintenance purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 178,016; and authorizing official acts in connection with this ordinance. (Public Works Department)

FINALLY PASSED

Recommendations of the Rules Committee

090212 **[Settlement of Lawsuit - State of California v. Foley, City and County of San Francisco, et al.]**

Ordinance authorizing settlement of the lawsuit filed by State of California, acting through the Department of Transportation ("Caltrans") against the City and County of San Francisco in exchange for the provision of an easement modification agreement relocating certain access rights and otherwise preserving the pre-existing easement rights of the City and County of San Francisco and making environmental findings; the lawsuit was filed on June 29, 2006 in Alameda County Superior Court, Case No. RG06277087, entitled State of California v. Foley, City and County of San Francisco, et al.; other material terms of said settlement are set forth in the Stipulation For Judgment in Condemnation and [Proposed] Judgment (and exhibits thereto), contained in Board of Supervisors File No. 090212. (City Attorney)

PASSED ON FIRST READING

090261 **[Settlement of Lawsuit - Estenoz v. First American Title Insurance Company, et al.]**

Ordinance authorizing settlement of the lawsuit entitled Estenoz v. First American Title Insurance Company, et al., filed on November 26, 2007 by Ernesto Estenoz, Administrator With Will Annexed of the Estate of Guillermo Crosbie-Grimaldo, aka G. Crosbie-Grimaldo, aka Guillermo Crosbie, deceased, against the City and County of San Francisco, in San Francisco Superior Court Case No.CGC 07-469460; settlement in exchange for plaintiff's waiver of the right to appeal the order granting summary judgment and judgment entered thereon, and on such further terms set forth in the Settlement Agreement dated as of January 31, 2009, contained in Board of Supervisors File No. 090261, or as shall be negotiated and approved by the City Attorney's Office. (City Attorney)

PASSED ON FIRST READING

090303 **[Appointment, Child Care Planning and Advisory Council - Maria Luz Torre]**

Motion appointing Maria Luz Torre, term ending December 31, 2010, to the Child Care Planning and Advisory Council.

Maria Luz Torre succeeding herself, term expired, seat 10, must be a nominee of District 10 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative" for unexpired portion of a three-year term ending December 31, 2010.

APPROVED

090304 [Appointment, Voting Systems Task Force - James Soper]

Motion appointing James Soper, term to be determined, to the Voting Systems Task Force, residency requirement waived.

James Soper, seat 9, new assignment, must have a background working in accommodation of persons with disabilities, for two-year term to be determined.

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed From the Consent Agenda

Supervisor Dufty requested that this matter be severed so that it might be considered separately.

090280 [Accept and Expend State Grant Funds - S.F. Recreation and Park Department - $157,000]

Supervisor Dufty

Resolution authorizing the San Francisco Recreation and Park Department to accept and expend a Habitat Conservation Fund Grant administered by the California Department of Parks and Recreation in the amount of $157,000 for the Glen Canyon Islais Creek Restoration Project.

Continued to April 7, 2009.

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

090340 [Adopting findings related to the reversal of the approval of the mitigated negative declaration adopted by the Planning Commission for 110 The Embarcadero]

Motion adopting findings related to the reversal of the approval of the mitigated negative declaration adopted by the Planning Commission for 110 The Embarcadero. (Clerk of the Board)

Amended on page 7, line, 2 after "current and" by adding "reasonably foreseeable."

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

APPROVED AS AMENDED by the following vote:
Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

Recommendation of the Budget and Finance Committee

090024 [Modifies the cap on the amount that an individual production can receive under the Film Rebate Program, eliminates partial rebate of hotel and sales tax]
Supervisors Alioto-Pier, Dufty

Ordinance amending Administrative Code Section 57.8 by changing the cap on individual rebates from the total amount of taxes that the production paid to the City, to $600,000, modifying the definition of "qualified production cost" by eliminating fees and hotel and sales taxes from that definition, and requiring good faith efforts to hire disadvantaged individuals as a condition of receipt of a rebate.

(Fiscal Impact.)

Supervisor Avalos, seconded by Supervisor Daly, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:
Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

FINALLY PASSED AS AMENDED by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

Recommendation of the Government Audit and Oversight Committee

081400 [Recreation and Park Department - Water Use Efficiency and Recycled Water]
Supervisors Mirkarimi, Maxwell, Campos, Mar

Ordinance making environmental findings and amending San Francisco Park Code Article 3 by adding Section 3.19, to require the Recreation and Park Department to maximize water use efficiency and to use Recycled Water where available for Park irrigation needs.

(Fiscal Impact.)

FINALLY PASSED by the following vote:
Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

NEW BUSINESS

Recommendation of the Budget and Finance Committee

090281 [Adopting findings related to San Francisco Public Utilities Commission Water System Improvement Program (WSIP) Alameda Siphon No. 4 Project]
Supervisor Elsbernd

Resolution adopting findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines, and San Francisco Administrative Code Chapter 31, including the adoption of a mitigation monitoring and reporting program, related to the funding of the Alameda Siphon No. 4 Project, and directing the Clerk of the Board of Supervisors to notify the Controller of this action.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the City Operations and Neighborhood Services Committee

081330 [Adopting the United Nations Convention on the Rights of the Child]
Supervisor Campos

Resolution urging the Board of Supervisors to adopt the United Nations Convention on the Rights of the Child and supporting its inalienable freedoms for children and youth in San Francisco.

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved to continue this matter.
The motion to continue this matter failed by the following vote:
Ayes: 3 - Alioto-Pier, Chu, Elsbernd
Noes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi

Supervisor Alioto-Pier moved to divide the question relating to "FURTHER RESOLVED, That the Board of Supervisors following the United Nations Conventions on the Rights of the Child hereby declares it City policy to provide every youth who has contact with the juvenile justice system his or her right to full due process under the law before any City employee initiates communication with federal immigration officials regarding said youth's disposition." (See File No. 090430)

DIVIDED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ADOPTED AS DIVIDED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090430 [Adopting the United Nations Convention on the Rights of the Child]
Supervisor Campos

Resolution urging the Board of Supervisors declaring its City policy to provide every youth who has contact with the juvenile justice system his or her right to full due process under the law before any City employee initiates communication with federal immigration officials regarding said youth's disposition.

ADOPTED by the following vote:
Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

081526 [Requesting Establishment of a Do Not Mail Registry]
Supervisors Mirkarimi, Dufty, Campos

Resolution urging both the California State Legislature and United States Congress to establish a Do Not Mail Registry.

ADOPTED by the following vote:
Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Chu, Elsbernd

Recommendations of the Land Use and Economic Development Committee

090178 [Zoning Map Amendments in connection with the Balboa Park Station Area Plan]
Supervisors Avalos, Elsbernd

Ordinance amending Sheets ZN11, ZN12, HT11, HT12 and SU12 of the City and County of San Francisco Zoning Map to revise use districts and height and bulk districts within the Balboa Park Station Area Plan and to delete the Ocean Avenue Fast Food Restricted Use Subdistrict in its entirety; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1.

(Economic Impact)

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090180 [Approving General Plan Amendments in connection with the Balboa Park Station Area Plan]
Supervisors Avalos, Elsbernd

Ordinance amending the San Francisco General Plan by the Balboa Park Station Area Plan and approving General Plan amendments to implement the aforementioned Plan by amending various General Plan Elements; making environmental findings that the proposed amendments are consistent with the General Plan and the eight priority policies of the Planning Code Section 101.1.

(Economic Impact)

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090181 [Planning Code amendments in connection with the Balboa Park Station Area Plan]
Supervisors Avalos, Elsbernd

Ordinance amending the San Francisco Planning Code by adding and amending various sections to implement the Balboa Park Station Area Plan, running the length of Ocean Avenue generally from Manor Drive to San Jose Avenue, including properties adjacent to Geneva Avenue from Ocean Avenue to San Jose Avenue and properties adjacent to San Jose Avenue from Mt. Vernon Avenue to Ocean Avenue, and including the City College of San Francisco Phelan campus and San Francisco Public Utilities Commission property adjacent to Phelan Avenue; adopting the Balboa Park Station Area Plan impact fee subject to certain restrictions; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

(Economic Impact)

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090179 [Balboa Park Station Area Plan - monitoring program]
Supervisors Avalos, Elsbernd

Ordinance amending the Administrative Code Chapter 10E to establish the Balboa Park Station Area Plan Monitoring Program for purposes of reviewing the effectiveness of the Balboa Park Station Area Plan and implementation of specified improvements; and adopting environmental findings.

(Economic Impact)

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090182 [Federal Economic Recovery Support for Balboa Park Station Area Plan]
Supervisor Avalos

Resolution urging city departments to set the Balboa Park Station Area Plan as an identified priority when seeking Federal Economic Stimulus funding, and to work with San Francisco's Congressional delegation to ensure, to the extent possible, that Federal Economic Recovery legislation includes funding for the Balboa Park Station Area Plan.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Rules Committee

090153 **[Appointment, Police Commission - Vincent Pan]**

Motion confirming the Rules Committee's nomination of, and appointing, Vincent Pan, term ending April 30, 2010, to the San Francisco Police Commission.

Vincent Pan, succeeding David Campos, resigned, seat 2, must be nominated by the Rules Committee or its successor and subject to confirmation by the Board of Supervisors, for the unexpired portion of a four-year term ending April 30, 2010.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090259 **[Reappointment, Municipal Transportation Agency Board of Directors - Tom Nolan]**

Motion confirming the Mayor's reappointment of Tom Nolan to the Municipal Transportation Agency Board of Directors, term ending March 1, 2013. (Mayor)

At least four of the Directors must be regular riders of the Municipal Railway and must continue to be regular riders during their terms. The directors must possess significant knowledge of, or profesional experience in, one or more of the fields of government, finance or labor relations. At least two of the directors must possess significant knowledge of or professional experience in, the field of public transportation. During their terms, all directors shall be required to ride the Municipal Railway on the average once a week.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090302 **[Appointment, Golden Gate Bridge, Highway and Transportation District - Richard Grosboll]**

Motion appointing Richard Grosboll, term ending January 31, 2011, to the Golden Gate Bridge, Highway and Transportation District.

Richard Grosboll, seat 3, succeeding himself, term expired, represents public at large, subject to review and affirmation by the Board of Supervisors.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Board of Supervisors Sitting as a Committee of the Whole

090316 **[Committee of the Whole - Hearing on the Board of Supervisors' roles and responsibilities during a City Emergency]**

Supervisors Maxwell, Chiu

Hearing on the roles and responsibilities of the Board of Supervisors during a City Emergency.

Continued to April 28, 2009.

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdullah Megaheed; expressed concern with issues relating to the violence against police officers
James Chaffee; expressed concern with issues relating to the SF Public Library
Male speaker; shared with the Board members his religious beliefs
Robert Haaland; expressed concern with issues relating to juvenile justice for the LGBT community
Female speakers; expressed concern with issues relating to immigration rights
Evelyn Sanchez; expressed concern with issues relating to immigration rights
Isabell Alexander; expressed concern with issues relating to immigration rights
Angela Chan; expressed concern with issues relating to juvenile justice
Steve Krystofiak; expressed concern with issues relating to interest rates
Alice Linster; expressed concern with issues relating to do not mail registry and juvenile justice
Joseph Smooke; expressed concern with issues relating to St. Luke's Hospital expansion
Nato Green; expressed concern with issues relating to St. Luke's Hospital expansion
Female speaker, expressed concern with issues relating to solving child homicides and violence in the community
Walter; shared in song concern with general issues
Female speaker; expressed concern with issues relating to immigration rights

CLOSED SESSION

090382 [Update on labor negotiations concerning City workers from the Mayor's Office and the Department of Human Resources]

Supervisor Chiu

Motion that the Board of Supervisors convene in closed session on March 31, 2009, with the Mayor's Office and the Department of Human Resources concerning negotiations with Labor Unions representing City Workers.

This closed session is permitted by Government Code Section 54957.6 and San Francisco Administrative Code Section 67.10(e).

Supervisor Dufty, seconded by Supervisor Elsbernd, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

The Board recessed at the hour of 4:15 p.m. to convene in closed session pursuant to the above motion.

The following Supervisors were noted present:
Supervisors Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Persons in attendance:
Cheryl Adams, Deputy City Attorney
Micki Callahan, Director of Department of Human Resources
Martin Gran, Representative of the Department of Human Resources Compensation
Ben Rosenfield, Controller
Steve Kawa, Mayor's Chief of Staff
Nani Colleretti, Mayor's Budget Director
Angela Calvillo, Clerk of the Board
Kay Gulbengay, Deputy Director
Rick Caldeira, Legislative Deputy Director

Reconvening of the Board

The following Supervisors were noted present:
Supervisors Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Supervisor Daly was noted absent at 4:35 p.m.
Supervisor Mirkarimi was noted absent 4:50 p.m.

The Board at the hour of 4:51 p.m. reconvened.

Matter was heard in Closed Session and Filed.

[Elect Not to Disclose]
Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations.

Supervisor Dufty, seconded by Supervisor Campos, moved not disclose its Closed Session deliberations. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

090374 [National Start! Walking Day - April 8, 2009]
Supervisors Chiu, Campos

Resolution proclaiming April 8, 2009, as "National Start! Walking Day" in San Francisco.

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

090375 [Supporting Assembly Bill 1000, paid sick day legislation]
Supervisors Daly, Maxwell, Mar, Campos

Resolution declaring support of Assembly Bill 1000 (Ma) that would provide California workers with earned paid sick days.

Supervisors Maxwell, Mar, and Campos requested to be added as co-sponsors.
ADOPTED

090376 [Accept and Expend Grant - Juvenile Probation Department - $25,000]
Supervisor Elsbernd

Resolution authorizing the Juvenile Probation Department to accept and expend a grant in the amount of $25,000 from the Annie E. Casey Foundation for continuing support of the juvenile justice reform activities at the Juvenile Probation Department.

ADOPTED

090378 [Supporting Senate Bill 675, the Clean Technology and Renewable Energy Job Training, Career Education and Dropout Prevention Act]
Supervisors Mar, Maxwell, Campos

Resolution supporting Senate Bill 675, the Clean Technology and Renewable Energy Job Training, Career Education and Dropout Prevention Act.

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

090379 [Rescheduling the April 7, 2009 Board meeting to 10:00 am]
Supervisor Chiu

Motion rescheduling the April 7, 2009 regular meeting of the Board of Supervisors to begin at 10:00 am in the Board Chamber in City Hall on that day.

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from For Adoption Without Committee Reference Agenda

Supervisor Maxwell requested that this matter be severed so that it might be considered separately.

090350 [Board of Supervisors to sit as a Committee of the Whole - March 31, 2009]
Supervisors Maxwell, Chiu

Motion that the Board convenes as a Committee of the Whole on March 31, 2009, to consider Board of Supervisors File Number 090316, a hearing to discuss the Board's roles and responsibilities in the event of a City emergency.

Amended by replacing "March 31, 2009 - Committee of the Whole to April 28, 2009 - Committee of the Whole."

Continued to April 28, 2009.

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved that this Motion be AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

CONTINUED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Daly requested that this matter be severed so that it might be considered separately.

090371 [Rebuild of St. Luke's Hospital - Evaluation of temporary hospital structure]
Supervisors Alioto-Pier, Maxwell

Resolution urging the California Pacific Medical Center to evaluate the concept of building a temporary hospital while constructing the rebuild of St. Luke's Hospital.

Supervisor Daly requested that this matter be referred to committee.

REFERRED.

090372 [Rebuild of St. Luke's Hospital]
Supervisors Alioto-Pier, Maxwell

Resolution urging the Planning Department and the Historic Preservation Commission to evaluate the historic integrity of the 1912 building on the St. Luke's campus and to determine whether or not the 1912 building might be a historic resource under the California Environmental Quality Act.

Supervisor Daly requested that this matter be referred to committee.
REFERRED.

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

090373 [Supporting Assembly Bill 700, the Creative Industries and Community Revitalization Act]
Supervisors Avalos, Mirkarimi, Mar, Campos

Resolution supporting Assembly Bill 700, the Creative Industries and Community Revitalization Act; supporting creation of the Creative Industries and Community Economic Revitalization Fund; and urging passage of Assembly Bill 700 in the current legislative session.

Supervisor Mar and Campos requested to be added as a co-sponsors.

Continued to April 7, 2009.
Supervisor Elsbernd, seconded by Supervisor Chu, moved that this Resolution be CONTINUED. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090377 [The Board of Supervisors endorsing and supporting the event "SF Youth Unity", a youth environmental summit and green block party]
Supervisor Elsbernd

Resolution urging the Board of Supervisors to endorse and support the event "SF Youth Unity", a youth environmental summit and green block party.

Amended on page 1, line 3, by replacing "urging" with "endorsing and supporting"; and further amended on page 2, line 1, by replacing "urges" with "endorsing and supporting". New Title.
Supervisor Elsbernd, seconded by Supervisor Chu, moved that this Resolution be AMENDED. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Resolution endorsing and supporting the event "SF Youth Unity," a youth environmental summit and green block party.

ADOPTED AS AMENDED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

090354 **[Settlement of Lawsuit - State of California, Department of Alcohol and Drug Programs - $604,354]**

Ordinance authorizing settlement of the administrative action filed by the State of California, Department of Alcohol and Drug Programs against the City and County of San Francisco for $604,354; the administrative action was initiated on March 20, 2008, in the California Office of Administrative Hearings, Case Nos. SACPA 02/03-38 and 03/04-38, OAH No. 2008070346 entitled In the Matter of the Audit of the City and County of San Francisco, Substance Abuse and Crime Prevention Act. (City Attorney)

3/17/09, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

090355 **[Airport Commission's Declaration of Emergency Contract Pursuant to Sec. 6.60 of the San Francisco Administrative Code]**

Resolution concurring with the Airport Commission's Declaration of Emergency in response to the boiler failures at the Airport and approving a contract between the Airport Commission and Ghiloti Brothers for the purchase of two new boilers. (Airport Commission)

3/18/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090356 **[Agreement to Sell the Dolores Hotel Located at 35-37 Woodward Street]**

Resolution approving and authorizing the execution and performance of an Agreement For Sale of Real Estate relating to the property commonly known as the Dolores Hotel and located at 35-37 Woodward Street; adopting findings that the sale is exempt from Environmental Review and is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property and the Director of the Mayor's Office of Housing to execute documents, make certain modifications and take certain actions in furtherance of this Resolution. (Real Estate Department)

3/19/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4.58 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

VOTES

MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT

APR - 9 2009

SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, April 7, 2009 10:00 AM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Chu, Campos, Dufty	Wednesday 1:30 PM
Budget and Finance Subcommittee Supervisors Avalos, Mirkarimi, Chu	Wednesday 11:00 AM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly, Alioto-Pier	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Campos, Mirkarimi, Alioto-Pier	1st and 3rd Monday 11:00 AM
Rules Committee Supervisors Daly, Chu, Campos	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 10:07 a.m. On the call of the roll Supervisors Maxwell and Mar were noted absent.
Supervisor Maxwell was noted present at 10:09 a.m.
Supervisor Mar was noted present at 10:15 a.m.

There was a quorum present.

CONSENT AGENDA

Recommendations of the Land Use and Economic Development Committee

090178 [Zoning Map Amendments in connection with the Balboa Park Station Area Plan]
Supervisors Avalos, Elsbernd

Ordinance amending Sheets ZN11, ZN12, HT11, HT12 and SU12 of the City and County of San Francisco Zoning Map to revise use districts and height and bulk districts within the Balboa Park Station Area Plan and to delete the Ocean Avenue Fast Food Restricted Use Subdistrict in its entirety; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1.

(Economic Impact)

FINALLY PASSED

090180 [Approving General Plan Amendments in connection with the Balboa Park Station Area Plan]
Supervisors Avalos, Elsbernd

Ordinance amending the San Francisco General Plan by the Balboa Park Station Area Plan and approving General Plan amendments to implement the aforementioned Plan by amending various General Plan Elements; making environmental findings that the proposed amendments are consistent with the General Plan and the eight priority policies of the Planning Code Section 101.1.

(Economic Impact)

FINALLY PASSED

090181 [Planning Code Amendments in connection with the Balboa Park Station Area Plan]
Supervisors Avalos, Elsbernd

Ordinance amending the San Francisco Planning Code by adding and amending various sections to implement the Balboa Park Station Area Plan, running the length of Ocean Avenue generally from Manor Drive to San Jose Avenue, including properties adjacent to Geneva Avenue from Ocean Avenue to San Jose Avenue and properties adjacent to San Jose Avenue from Mt. Vernon Avenue to Ocean Avenue, and including the City College of San Francisco Phelan campus and San Francisco Public Utilities Commission property adjacent to Phelan Avenue; adopting the Balboa Park Station Area Plan impact fee subject to certain restrictions; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

(Economic Impact)

FINALLY PASSED

090179 [Balboa Park Station Area Plan - monitoring program]
Supervisors Avalos, Elsbernd

Ordinance amending the Administrative Code Chapter 10E to establish the Balboa Park Station Area Plan Monitoring Program for purposes of reviewing the effectiveness of the Balboa Park Station Area Plan and implementation of specified improvements; and adopting environmental findings.

(Economic Impact)

FINALLY PASSED

Recommendations of the Rules Committee

090212 [Settlement of Lawsuit - State of California v. Foley, City and County of San Francisco, et al.]
Ordinance authorizing settlement of the lawsuit filed by State of California, acting through the Department of Transportation ("Caltrans") against the City and County of San Francisco in exchange for the provision of an easement modification agreement relocating certain access rights and otherwise preserving the pre-existing easement rights of the City and County of San Francisco and making environmental findings; the lawsuit was filed on June 29, 2006 in Alameda County Superior Court, Case No. RG06277087, entitled State of California v. Foley, City and County of San Francisco, et al.; other material terms of said settlement are set forth in the Stipulation For Judgment in Condemnation and [Proposed] Judgment (and exhibits thereto), contained in Board of Supervisors File No. 090212. (City Attorney)

FINALLY PASSED

090261 [Settlement of Lawsuit - Estenoz v. First American Title Insurance Company, et al.]
Ordinance authorizing settlement of the lawsuit entitled Estenoz v. First American Title Insurance Company, et al., filed on November 26, 2007 by Ernesto Estenoz, Administrator With Will Annexed of the Estate of Guillermo Crosbie-Grimaldo, aka G. Crosbie-Grimaldo, aka Guillermo Crosbie, deceased, against the City and County of San Francisco, in San Francisco Superior Court Case No.CGC 07-469460; settlement in exchange for plaintiff's waiver of the right to appeal the order granting summary judgment and judgment entered thereon, and on such further terms set forth in the Settlement Agreement dated as of January 31, 2009, contained in Board of Supervisors File No. 090261, or as shall be negotiated and approved by the City Attorney's Office. (City Attorney)

FINALLY PASSED

PASS THE CONSENT AGENDA by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi
Absent: 1 - Mar

Supervisor Daly, seconded by Supervisor Mirkarimi, moved to rescind the previous vote.
Motion to rescind the previous vote passed by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi.

PASS THE CONSENT AGENDA by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the City Operations and Neighborhood Services Committee

090280 **[Accept and Expend State Grant Funds - S.F. Recreation and Park Department - $157,000]**
Supervisor Dufty

Resolution authorizing the San Francisco Recreation and Park Department to accept and expend a Habitat Conservation Fund Grant administered by the California Department of Parks and Recreation in the amount of $157,000 for the Glen Canyon Islais Creek Restoration Project.

Supervisor Dufty, seconded by Supervisor Elsbernd, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

NEW BUSINESS

Recommendation of the Budget and Finance Committee

090296 [Ten Year Capital Expenditure Plan - FY 2010-2019]
Mayor, Supervisor Chiu

Resolution adopting the City's ten year capital expenditure plan for fiscal years 2010-2019.

ADOPTED by the following vote:
Ayes: 8 - Avalos, Campos, Chiu, Chu, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Daly, Elsbernd

Recommendations of the Budget and Finance Subcommittee

090332 [Public Employment - San Francisco Employees' Retirement System]
Mayor, Supervisor Elsbernd

Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance, FY 2008-2009) to reflect the addition of one position: 0965 Department Head V (FTE 0.19) and the deletion of one position: 0964 Department Head IV (FTE 0.19) at the San Francisco Employees' Retirement System.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090336 [Appropriating $4,211,947 of Revenue and General Fund Reserve for the November 2008 and May 2009 elections in the Department of Elections for Fiscal Year 2008-2009]
Mayor

Ordinance appropriating $3,181,333 of State mandated cost reimbursement revenue, $79,597 of county candidate filing fee revenue, and $951,017 of General Fund Reserve, for a total appropriation of $4,211,947, for costs associated with the November 2008 General Election and May 2009 Special Election in the Department of Elections for Fiscal Year 2008-2009.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090330 [Issuance and Sale of Revenue Bonds - Westmont College - $122,500,000]
Supervisor Mirkarimi

Resolution approving the issuance and sale of revenue bonds by the California Municipal Finance Authority in an aggregate principal amount not to exceed $122,500,000 to finance educational facilities owned and operated by the Westmont College.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Government Audit and Oversight Committee

081093 [Board of Supervisors response to the 2007-2008 Civil Grand Jury Report entitled "San Francisco Kindergarten Admissions: Back to the Drawing Board"]

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2007-2008 Civil Grand Jury Report entitled “San Francisco Kindergarten Admissions: Back to the Drawing Board.”

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

081249 [Inclusionary In Lieu Fees For Small Site Acquisition and Rehabilitation]
Supervisor Daly

Ordinance amending Planning Code Section 315.6 of the Residential Inclusionary Affordable Housing Program to provide that ten percent (10%) of in lieu fees paid under Section 315.6, not to exceed a maximum of $15 million at any one time, be designated exclusively for the acquisition and/or rehabilitation of affordable housing sites consisting of less than 25 units, and making findings including findings under CEQA.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090203 [Zoning Map Amendment - 401 - 421 Shields Street]

Ordinance amending the San Francisco Planning Code by amending Sheet 12 of the Zoning Map of the City and County of San Francisco to change the zoning of the properties located at 401-421 Shields Street, Block 7074, Assessor's Lot Nos. 001, 046, 047, 048, from P (Public) to RH-1 (Residential, House Districts, Single-Family); adopting findings, including environmental findings and findings of consistency with the General Plan and Priorities of Planning Code Section 101.1(b). (Planning Department)

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recess

The Board recessed at the hour of 10:51 a.m.

Reconvening of the Board

The Board reconvened at the hour of 4:03 p.m.

Calling the Roll

On call of the roll, the following Supervisors were noted present:
Supervisors Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi.
Supervisors Alioto-Pier, Avalos, Daly, Mar were noted absent.

There was a quorum present.

SPECIAL ORDER 4:00 P.M.

090109 [Public Hearing - Appeal of Categorical Exemption from Environmental Review for 717 Battery Street/350 Pacific Avenue]

Hearing of persons interested in or objecting to the decision of the Planning Department's determination dated December 19, 2008, that a project at 717 Battery Street/350 Pacific Avenue (Case No. 2007.1460E) (Building Permit Application Nos. 2003.02.12.7271; 2005.04.21.0598 (UMB retrofit); and 2005.0321.8084 (two-story vertical addition)) is exempt from environmental review under Categorical Exemption, Class 32 [State CEQA Guidelines, Section 15332]. The proposal would add to and rehabilitate the Musto Building, to expand the existing office use and provide ground-floor commercial and restaurant space. The project site (Assessor's Block 0165, Lot 022) is within a C-2 (Community Business) Use District, and in a 65-A Height and Bulk District, and in a Special Use District-the Washington-Broadway Special Use District No. 2. (Appellant: Susan Brandt-Hawley on behalf of San Francisco Preservation Action.)

(Filed January 30, 2009; Companion to Files 090110, 090111, 090112; District 3.)

The President inquired as to whether any member of the public wished to address the Board members. There were none.
The President declared the public hearing closed.

Continued to May 12, 2009.

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 7 - Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi
Absent: 4 - Alioto-Pier, Avalos, Daly, Mar

(Only one of the following two motions should be approved.)

090110 **[Affirming the Categorical Exemption issued for the 717 Battery Street/350 Pacific Avenue project]**

Motion affirming the determination by the Planning Department that the 717 Battery Street/350 Pacific Avenue project is categorically exempt from environmental review under the California Environmental Quality Act.

Continued to May 12, 2009.

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 7 - Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi
Absent: 4 - Alioto-Pier, Avalos, Daly, Mar

090111 **[Disapproving the Categorical Exemption issued for the717 Battery Street/350 Pacific Avenue project]**

Motion disapproving the determination by the Planning Department that the 717 Battery Street/350 Pacific Avenue project is categorically exempt from environmental review under the California Environmental Quality Act.

Continued to May 12, 2009.

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 7 - Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi
Absent: 4 - Alioto-Pier, Avalos, Daly, Mar

090112 **[Preparation of findings related to the 717 Battery Street/350 Pacific Avenue project]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 717 Battery Street/350 Pacific Avenue is exempt from environmental review under the California Environmental Quality Act.

Continued to May 12, 2009.

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 7 - Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi
Absent: 4 - Alioto-Pier, Avalos, Daly, Mar

SPECIAL ORDER 4:00 P.M.

090264 **[Public Hearing - Appeal of Categorical Exemption from Environmental Review for 429 Amador Street (Pier 92)]**

Hearing of persons interested in or objecting to the decision of the Planning Department's determination dated September 8, 2008, that a project at 429 Amador Street (Pier 92) (Case No. 2008.1052E) is exempt from environmental review under Categorical Exemption, Class 1 [State CEQA Guidelines Section 15301(e)(2)]. The proposal would add a biodiesel operation to Darling International's existing facility that renders vegetable oils, fats and greases. The project site (Assessor's Block 4502A, Lot 002) is within the M-2 (Heavy Industrial) Zoning District and is within a 40-X Height and Bulk District. (Appelant: Deborah Behles, Kenneth Blackwood, and Cheryl Tang on behalf of Bayview Hunters Point Community Advocates.)

(Filed February 25, 2009; Companion to Files 090265, 090266, 090267; District 10.)

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Hearing be TABLED. The motion carried by the following vote:

Ayes: 7 - Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi
Absent: 4 - Alioto-Pier, Avalos, Daly, Mar

(Only one of the following two motions should be approved.)

090265 [Affirming the Categorical Exemption issued for the 429 Amador Street (Pier 92) project]

Motion affirming the determination by the Planning Department that the 429 Amador Street (Pier 92) project is categorically exempt from environmental review under the California Environmental Quality Act.

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 7 - Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi
Absent: 4 - Alioto-Pier, Avalos, Daly, Mar

090266 [Disapproving the Categorical Exemption issued for the 429 Amador Street (Pier 92) project]

Motion disapproving the determination by the Planning Department that the 429 Amador Street (Pier 92) project is categorically exempt from environmental review under the California Environmental Quality Act.

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 7 - Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi
Absent: 4 - Alioto-Pier, Avalos, Daly, Mar

090267 [Preparation of findings related to the 429 Amador Street (Pier 92) project]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 429 Amador Street (Pier 92) is exempt from environmental review under the California Environmental Quality Act.

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 7 - Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi
Absent: 4 - Alioto-Pier, Avalos, Daly, Mar

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

James Chaffee; expressed concern with issues relating to the SF Public Library
Walter; shared in song concern with general issues
Mark Brumberg; expressed concern with issues relating to FDA budget adjustments

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

090408 **[Supporting the Clean Air for Children, Seniors, and Working Families Act]**
Supervisors Alioto-Pier, Mar, Campos

Resolution urging the City and County of San Francisco to support Assembly Bill 622, the Clean Air for Children, Seniors, and Working Families Act.

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

090409 **[Child Care Provider Recognition Day - April 26, 2009]**
Supervisors Avalos, Mar, Campos

Resolution declaring April 26, 2009, to be San Francisco Child Care Provider Recognition Day.

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

090410 **[Employee Free Choice Act]**
Supervisors Avalos, Campos

Resolution affirming support for House Resolution 1409, the Employee Free Choice Act, and urging the United States Congress to pass the Employee Free Choice Act and protect and preserve, for America's workers, the freedom to choose for themselves whether and how to form a union to bargain for a better life.

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

090411 **[Mary Risley and Tante Marie Day - April 26, 2009]**
Supervisors Chiu, Campos

Resolution proclaiming April 26, 2009, as "Mary Risley and Tante Marie Day" in San Francisco.

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

090412 **[Repeal Defense of Marriage Act]**
Supervisors Chiu, Dufty, Campos, Mirkarimi

Resolution urging our California Congressional delegation to lead the fight to repeal the Federal "Defense of Marriage Act."

ADOPTED

090413 [Donate Life Month - April]
Supervisors Chu, Campos

Resolution supporting April as Donate Life Month and urging all San Franciscans to participate in the Donate Life California Donor Drive.

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

090414 [Commending Zürich Mayor-Elect Corine Mauch]
Supervisors Dufty, Campos

Resolution honoring Corine Mauch on her historic election as the first woman and openly gay Mayor of the City of Zürich, Switzerland.

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

090357 [Final Map - 4800 3rd Street]
Motion approving Final Map 5140, an 18 Residential Unit and 2 Commercial Unit Mixed-Use Condominium Project, located at 4800 3rd Street being a subdivision of Lot 045 in Assessors Block No. 5322 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,089; District 10.)

APPROVED

090358 [Final Map - 4441 and 4445 Mission Street]
Motion approving Final Map 5324, a 6 Residential Unit and 1 Commercial Unit Mixed-Use Condominium Project, located at 4441 and 4445 Mission Street being a subdivision of Lots 023A and 024 in Assessors Block No. 6013 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,097; District 11.)

APPROVED

The foregoing items were acted upon by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference

Supervisor Chu requested that this matter be severed so that it might be considered separately.

090373 **[Supporting Assembly Bill 700, the Creative Industries and Community Revitalization Act]**
Supervisors Avalos, Mirkarimi, Mar, Campos

Resolution supporting Assembly Bill 700, the Creative Industries and Community Revitalization Act; supporting creation of the Creative Industries and Community Economic Revitalization Fund; and urging passage of Assembly Bill 700 in the current legislative session.

ADOPTED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved ADOPTION of the purely commendatory finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolution(s) being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090415 [Redmond Kernan Day]
Supervisors Alioto-Pier, Dufty

Resolution declaring April 7, 2009 as "Redmond Kernan Day" in the City and County of San Francisco.

Supervisor Dufty requested to be added as a co-sponsor

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Resolution be ADOPTED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

OFF-AGENDA LEGISLATION

ADJOURNMENT

There being no further business the Board adjourned at the hour of 4:06 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

VOTES

MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT

APR 16 2009

SAN FRANCISCO
PUBLIC LIBRARY

4/09

Tuesday, April 14, 2009 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Chu, Campos, Dufty	Wednesday 1:30 PM
Budget and Finance Subcommittee Supervisors Avalos, Mirkarimi, Chu	Wednesday 11:00 AM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly, Alioto-Pier	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Campos, Mirkarimi, Alioto-Pier	1st and 3rd Monday 11:00 AM
Rules Committee Supervisors Daly, Chu, Campos	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:07 p.m. On the call of the roll all Supervisors were noted present.

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved to approve the Board Meeting Minutes of March 17, 2009. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

CONSENT AGENDA

Recommendations of the Budget and Finance Subcommittee

090332 **[Public Employment - San Francisco Employees' Retirement System]**
Mayor, Supervisor Elsbernd

Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance, FY 2008-2009) to reflect the addition of one position: 0965 Department Head V (FTE 0.19) and the deletion of one position: 0964 Department Head IV (FTE 0.19) at the San Francisco Employees' Retirement System.

FINALLY PASSED

090336 **[Appropriating $4,211,947 of Revenue and General Fund Reserve for the November 2008 and May 2009 elections in the Department of Elections for Fiscal Year 2008-2009]**
Mayor

Ordinance appropriating $3,181,333 of State mandated cost reimbursement revenue, $79,597 of county candidate filing fee revenue, and $951,017 of General Fund Reserve, for a total appropriation of $4,211,947, for costs associated with the November 2008 General Election and May 2009 Special Election in the Department of Elections for Fiscal Year 2008-2009.

(Fiscal Impact.)

FINALLY PASSED

090324 [Accept and Expend Grant - U.S. Transportation Security Administration - $15,800,000]
Supervisors Elsbernd, Chu

Resolution authorizing the Airport to retroactively negotiate and execute an Other Transaction Agreement from the Transportation Security Administration for the Terminal 2 In-Line Explosives Detection System Matrix, in the amount not to exceed $15,800,000, and accept and expend Federal funds.

(Fiscal Impact.)

ADOPTED

Recommendations of the Land Use and Economic Development Committee

081249 [Inclusionary In Lieu Fees For Small Site Acquisition and Rehabilitation]
Supervisor Daly

Ordinance amending Planning Code Section 315.6 of the Residential Inclusionary Affordable Housing Program to provide that ten percent (10%) of in lieu fees paid under Section 315.6, not to exceed a maximum of $15 million at any one time, be designated exclusively for the acquisition and/or rehabilitation of affordable housing sites consisting of less than 25 units, and making findings including findings under CEQA.

FINALLY PASSED

090203 [Zoning Map Amendment - 401 - 421 Shields Street]

Ordinance amending the San Francisco Planning Code by amending Sheet 12 of the Zoning Map of the City and County of San Francisco to change the zoning of the properties located at 401-421 Shields Street, Block 7074, Assessor's Lot Nos. 001, 046, 047, 048, from P (Public) to RH-1 (Residential, House Districts, Single-Family); adopting findings, including environmental findings and findings of consistency with the General Plan and Priorities of Planning Code Section 101.1(b). (Planning Department)

FINALLY PASSED

Recommendations of the Rules Committee

090300 [Appointment, Bay Area Library and Information System Advisory Board - Anne Wintroub]

Motion appointing Anne Wintroub, term ending June 30, 2010, to the Bay Area Library and Information System Advisory Board.

Anne Wintroub, succeeding Nora Dowley, term expired, seat 1, must represent public at large and underserved residents, for the unexpired portion of a two-year term ending June 30, 2010.

APPROVED

090390 **[Appointments, In-Home Supportive Services Public Authority - Mike Boyd, Gustavo Serina and Luis Calderon]**

Motion appointing Mike Boyd, term ending March 1, 2011, Gustavo Serina and Luis Calderon, terms ending on March 1, 2012, to the In-Home Supportive Services Public Authority.

Mike Boyd, seat 1, succeeding Ethel Richardson, term expired, must be a consumer over the age of 55 years, authorized to represent organizations that advocate for aging people with disabilities, for the unexpired portion of a three-year term ending March 1, 2011.
Gustavo Serina, seat 7, succeeding Gustavo Serina, term expired, must be a member of the Commission on the Aging, recommended to the Board by the Commission, for the unexpired portion of a three-year term ending March 1, 2012.
Luis Calderon, seat 11, succeeding Luis Calderon, term expired, must be a consumer between the ages of 18 and 60, authorized to represent orgranizations that advocate for younger people with disabilities, for the unexpired portion of a three-year term ending March 1, 2012.

APPROVED

090391 **[Appointments, Commission on Aging Advisory Council - Ken Prag and Sharon Eberhardt]**

Motion appointing Ken Prag, term ending March 31, 2010, and Sharon Eberhardt, term ending March 31, 2011, to the Commission on Aging and Advisory Council.

Ken Prag, seat 7, succeeding Luis Calderon, term expired, must be nominee of District 8 Supervisor, for the unexpired portion of a two-year term ending March 31, 2010.
Sharon Eberhardt, seat 9, succeeding Sharon Eberhardt, term expired, must be nominee of District 11 Supervisor, for a two-year term ending March 31, 2011.

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the Consent Agenda

Supervisor Daly requested that this matter be severed so that it might be considered separately.

090380 **[Accept and Expend Grant - American Recovery and Reinvestment Act of 2009 (ARRA)]**

Mayor, Supervisors Elsbernd, Chiu, Chu

Resolution authorizing the filing of an application for Federal American Recovery and Reinvestment Act of 2009 (ARRA) funding, stating the assurance to complete the project, and authorizing the Director of Public Works to accept and expend Federal grant funds.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance

090024 [Modifies the cap on the amount that an individual production can receive under the Film Rebate Program, eliminates partial rebate of hotel and sales tax]
Supervisors Alioto-Pier, Dufty

Ordinance amending Administrative Code Section 57.8 by changing the cap on individual rebates from the total amount of taxes that the production paid to the City, to $600,000, modifying the definition of "qualified production cost" by eliminating fees and hotel and sales taxes from that definition, and requiring good faith efforts to hire disadvantaged individuals as a condition of receipt of a rebate.

Supervisor Alioto-Pier moved to divide the question relating to "(2) Amount of Rebate. The City shall pay one dollar for each dollar the qualified low budget film production or qualified film production paid in qualified production cost not to exceed $1.8 million dollars by June 30, 2009. The rebate shall be paid from the fund into which the qualified production cost was originally deposited. In no event shall the amount of the any rebate paid after April 1, 2009 exceed $600,000.00 the total amount of taxes that the qualified film production or qualified low budget film production paid to the City. The rebate shall not be paid from funds dedicated under bond or other legal financing covenants. Rebates paid under this Ordinance (Ordinance no. _______) shall be paid only to those qualified film productions whose filming commenced on or after the effective date of this Ordinance." located from Page 3, Line 17, through Page 4, Line 2.

The question relating to "Amount of Rebate" was passed by the following vote:
Ayes: 6 - Avalos, Campos, Chiu, Mar, Maxwell, Mirkarimi
Noes: 5 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

NEW BUSINESS

Recommendations of the Budget and Finance Subcommittee

090130 [Health Care Accountability Components]
Supervisor Alioto-Pier

Ordinance amending Health Code Section 12Q.3 on the calculation of the health care accountability fee for covered contracting parties and increasing the existing fee and amending Section 12Q.2.9 to increase the number of hours an employee must work to be considered a covered employee.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

090260 **[2009 Annual Fundraising Drive]**

Resolution designating those agencies qualified to participate in the 2009 Annual Joint Fundraising Drive for officers and employees of the City and County of San Francisco.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090337 **[Library Fee Amnesty Program]**

Mayor, Supervisors Chiu, Mirkarimi

Resolution authorizing the Library Commission to establish a fee amnesty program for overdue Library materials to take place during a two-week period in May 2009, pursuant to Section 8.21-3 of the San Francisco Administrative Code.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090251 **[Approve SFPUC Sunol Valley Construction Management Contract]**

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute Water System Improvement Program-funded Professional Service Agreement No. CS-915R, Sunol Valley Regional Construction Management Services, with CH2MHill, for an amount not to exceed $16,000,000 with a term of up to 60 months, pursuant to San Francisco Charter Section 9.118. (Public Utilities Commission)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the City Operations and Neighborhood Services Committee

090249 **[Urging the organizers of the Bay to Breakers to collaborate on a comprehensive plan that protects the neighborhoods while preserving the unique spirit of the race]**

Supervisors Mirkarimi, Mar, Avalos, Maxwell, Campos, Dufty, Chiu

Resolution urging the sponsors of the Bay to Breakers race to work with city agencies, neighborhood groups, and race advocates to develop a comprehensive plan that protects the host neighborhoods while preserving the unique spirit of the race.

Amended on Page 3, Line 8-9, after "Richmond" by adding "and Sunset."

Supervisor Chu, seconded by Supervisor Alioto-Pier, moved that this Resolution be AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Rules Committee

090199 [Conflict of Interest Code Amendments]
Supervisor Daly

Ordinance amending Chapter 1 of Article III of the Campaign and Governmental Conduct Code by amending sections 3.1-110, 3.1-120, 3.1-145, 3.1-150, 3.1-155, 3.1-165, 3.1-175, 3.1-195, 3.1-207, 3.1-218, 3.1-251, 3.1-253, 3.1-267, 3.1-275, 3.1-280, 3.1-285, 3.1-315, 3.1-320, 3.1-340, 3.1-345, 3.1-362, 3.1-365, 3.1-395, 3.1-410, 3.1-415, 3.1-420, 3.1-422, 3.1-435, 3.1-460, deleting sections 3.1-193, 3.1-300, 3.1-350, 3.1-425, and adding sections 3.1-158, 3.1-268, 3.1-350 to update the list of designated employees who must file financial disclosure statements and to modify the applicable disclosure categories.

Supervisor Daly requested to be added as a co-sponsor.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be RE-REFERRED to the Rules Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090236 [Appointment, Historical Preservation Commission - Diane Matsuda]

Motion approving the Mayor's nomination for appointment of Diane Matsuda to the Historical Preservation Commission, Seat No. 7, for a four-year term ending date to be determined. (Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 090237. Transmittal date – February 24, 2009.)

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Avalos Excused From Voting

Supervisor Dufty, seconded by Supervisor Campos, moved to excuse Supervisor Avalos from voting on this matter. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Avalos

090396 [Appointment, California State Association of Counties - Supervisor John Avalos]

Motion appointing Supervisor John Avalos, term ending November 28, 2009, as an alternate member to the California State Association of Counties Board of Directors.

Seat 2, succeeding Supervisor Carmen Chu, term expired, must be a member of the Board of Supervisors, for the expired portion of a one-year term ending November 28, 2009.

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Avalos

Supervisor Campos Excused From Voting

Supervisor Dufty, seconded by Supervisor Mar, moved to excuse Supervisor Campos from voting on this matter. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

090397 [Appointment, Golden Gate Bridge, Highway and Transportation District - Supervisor David Campos]

Motion appointing Supervisor David Campos, term ending January 31, 2011, to the Golden Gate Bridge Highway and Transportation District.

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

CALLED FROM RULES COMMITTEE - PURSUANT TO RULE 5.31.1

090433 [Appointment, Golden Gate Bridge, Highway and Transportation District]

Motion to consider appointing one member, seat 2, public at large, for term ending January 31, 2011, to the Golden Gate Bridge, Highway and Transportation District.

2 Applicants - Larry Mazzola, Jr.; David H. Snyder

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be TABLED. The motion FAILED by the following vote:

Ayes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell
Noes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi

Continued to April 28, 2009.

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved that this Motion be CONTINUED. The motion FAILED by the following vote:

Ayes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell
Noes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi

Supervisor Daly, seconded by Supervisor Avalos, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi
Noes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell

Motion appointing David Snyder, seat 2, public at large, for term ending January 31, 2011, to the Golden Gate Bridge, Highway and Transportation District.

APPROVED AS AMENDED by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi
Noes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell

Recommendations of the Land Use and Economic Development Committee

081560 [India Basin Industrial Park Zoning Map Amendment]
Supervisor Maxwell

Ordinance amending the San Francisco Planning Code by amending Sectional Map Sheets ZN08, ZN10, SU08 and SU10 to change the use classification of certain parcels in and around the India Basin Industrial Park Redevelopment Project Area from M-1 (Light Industrial) and M-2 (Heavy Industrial) Districts to PDR-1-B (Light Industrial, Buffer) and PDR-2 (Production, Distribution, and Repair) Districts and to incorporate all of the subject parcels into the India Basin Industrial Park Special Use District; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

081561 [India Basin Industrial Park, Planning Code Text Amendment]
Supervisor Maxwell

Ordinance amending the San Francisco Planning Code by adding Section 249.42 to create a new India Basin Industrial Park Special Use District; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090252 [Street Encroachment at 3711-19th Avenue and Crespi Drive]
Supervisor Elsbernd

Resolution granting revocable permission to Parkmerced Investors Properties LLC, to occupy portions of the public right-of-way to construct, realign, and maintain an existing paved curb islands to improve pedestrian accessibility and vehicular traffic circulation and safety, resurface portions of Crespi Drive with new Bomanite stamped concrete paving and install three (3) decorative columns at the entry way to Crespi Drive public right-of-way, between 19th Avenue and Serrano Drive, to enhance the Property at 3711-19th Avenue (Assessor's Blocks 7315, 7316, 7320), conditioned upon the payment of an annual assessment fee; and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Public Works Department)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

090446 [Hearing - Adopting the Redevelopment Plan for the Visitacion Valley Redevelopment Project]

Hearing of persons interested in or objecting to proposed ordinance approving and adopting the Redevelopment Plan for the Visitacion Valley Redevelopment Project area; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Redevelopment Plan is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting other findings pursuant to the California Community Redevelopment Law; authorizing official acts in furtherance of this ordinance. (Clerk of the Board)

The President inquired as to whether any member wished to address the Board members.

Redevelopment Agency Executive Director Fred Blackwell; Planning Department Director John Rahaim; and Redevelopment Manager Tom Evans; reviewed with Board the recommendations.

Fran Martin; Chris Barnett; Jonathan Scharfman; Karen Gilbert; Male speaker; Mary Hashman; Nick Wolff; David Cincotta; Mindy Kinner; Sergio Morales; all spoke in favor of the project.

The President declared the public hearing closed.
FILED.

Committee of the Whole Adjourn and Report Without Recommendation

Recommendations of the Land Use and Economic Development Committee

090222 [Adopting the Redevelopment Plan for the Visitacion Valley Redevelopment Project]
Mayor, Supervisor Maxwell

Ordinance approving and adopting the Redevelopment Plan for the Visitacion Valley Redevelopment Project area; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Redevelopment Plan is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting other findings pursuant to the California Community Redevelopment Law; authorizing official acts in furtherance of this ordinance.

(Economic Impact)

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Continued to April 21, 2009.
Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED AS AMENDED. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090224 [Zoning Map Amendments In Connection With Visitacion Valley Redevelopment Plan]
Supervisor Maxwell

Ordinance amending the Zoning Map of the City and County of San Francisco by amending Sheet 10SU to establish a special use district for all property located within the Visitacion Valley Redevelopment Project Area, generally including the properties bounded by Bayshore, Blanken and Tunnel Avenue to the San Francisco/San Mateo County line to the south, including the properties fronting Bayshore Boulevard from Arleta Avenue to the San Francisco/San Mateo County line to the south and including the properties fronting Leland Avenue from Cora Street to Bayshore Boulevard; amending Sheet 10H of the Zoning Map to change the Height and Bulk District of the Visitacion Valley Redevelopment Project Area from a 40-X Height and Bulk District to a 55-X Height and Bulk District for property located in Subarea Zone 2 of the Visitacion Valley Redevelopment Plan; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1.

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Continued to April 21, 2009.

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED AS AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090223 [Schlage Lock/Visitacion Valley Special Use District]
Supervisor Maxwell

Ordinance amending the San Francisco Planning Code by adding Section 249.40 to establish the Visitacion Valley/Schlage Lock Special Use District which includes a portion of the Visitacion Valley neighborhood and the Schlage Lock site within the City and County of San Francisco, the boundaries of which are designated on Sectional Map No. 10 SU of the Zoning Maps of the City and County of San Francisco, and which generally includes the properties bounded by Bayshore, Blanken and Tunnel Avenue to the San Francisco/San Mateo County line to the south, including the properties fronting Bayshore Boulevard from Arleta Avenue to the San Francisco/San Mateo County line to the south and including the properties fronting Leland Avenue from Cora Street to Bayshore Boulevard; to require development within the Special Use District to adhere to the Visitacion Valley/Schlage Lock Design for Development document approved as part of the Visitacion Valley Redevelopment Plan.

(Economic Impact)

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Continued to April 21, 2009.

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED AS AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090202 **[Approving General Plan Amendments Related to the Visitacion Valley Redevelopment Plan]**
Supervisor Maxwell

Ordinance amending the San Francisco General Plan by approving General Plan amendments to implement the Visitacion Valley Redevelopment Plan (which includes a portion of the Visitacion Valley neighborhood and the Schlage Lock site within the City and County of San Francisco, the boundaries of which are designated on Sectional Map No. 10 SU of the Zoning Maps of the City and County of San Francisco, and which generally includes the properties bounded by Bayshore, Blanken and Tunnel Avenue to the San Francisco/San Mateo County line to the south, including the properties fronting Bayshore Boulevard from Arleta Avenue to the San Francisco/San Mateo County line to the south and including the properties fronting Leland Avenue from Cora Street to Bayshore Boulevard) by amending the Arts Element, Commerce and Industry Element, Recreation and Open Space Element, Transportation Element, and Urban Design Elements; making environmental findings and findings that the proposed amendments are consistent with the General Plan and the eight priority policies of the Planning Code Section 101.1. (Planning Department)

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Continued to April 21, 2009.
Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED AS AMENDED. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Campos, seconded by Supervisor Dufty, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Campos introduced, welcomed, and presented a Certificate of Honor to Jesus "Chuy" Ballote for his contributions and being an active member of Kalpulli, HOMEY's social justice and youth organizing council.

Supervisor Campos introduced, welcomed, and presented a Certificate of Honor to Guadalupe Carreno for her contributions to youth as a teaching apprentice at Jamestown Community Center's after-school enrichment program.

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdullah Megaheed; expressed concern with issues relating to the decrease in tourism due to the homeless situation in San Francisco
James Chaffee; expressed concern with issues relating to the SF Public Library
Peter Warfield; expressed concern with issues relating to the closure of the Park Library Mark Trout; expressed concern with issues relating to the Roman church
Walter; shared in song certain issues with the Board
Male speaker; expressed concern with issues relating to Federal Building seismic upgrade and human rights
Mike Patrellis; expressed concern with issues relating to anti-gay activism
Charles Marsel; expressed concern with issues relating to house on Lombard Street

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

090445 [Office of the Legislative Analyst Request - Owner Move In Evictions]
Supervisors Mar, Campos

Motion requesting the Legislative Analyst to research and obtain information on families with children who are evicted each year through the Owner Move In (OMI) eviction process; to work with all family service providers, eviction defense groups, landlord or apartment associations, and tenant groups to obtain data, hard numbers or anecdotal, that lend information to how many families face OMI evictions each year. We would also like to know how many families are threatened by OMI eviction and take relocation monies without reporting these evictions to the San Francisco Rent Board.

Supervisor Campos requested to be added as a co-sponsor.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

090425 [Condolences to the people of Italy and those affected by the L'Aquila earthquake]
Supervisors Alioto-Pier, Campos

Resolution extending condolences and greatest sympathy to the people of Italy and those affected by the L'Aquila earthquake.

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

090426 [Commending Dwayne Kinner]
Supervisors Avalos, Campos

Resolution commending and thanking Dwayne Kinner on the occasion of the 20th Anniversary of the Workers' Children's Fund Softball Tournament and for his hard work towards and dedication to enriching the lives of San Francisco's foster children.

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

090427 [Solidarity with the workers of Hyatt Fisherman's Wharf and HEI Le Meridien Hotel]
Supervisors Chiu, Avalos, Mirkarimi, Mar, Campos

Resolution urging Hyatt Fisherman's Wharf and HEI Le Meridien Hotel to allow its workers to choose, free from delay and intimidation, whether to have a union through a card-check neutrality agreement.

Supervisors Mirkarimi, Mar, and Campos requested to be added as co-sponsors.
ADOPTED

090429 [Urging Federal authorities to approve the citizenship of Shirley Tan and pass the Uniting American Families Act]
Supervisors Dufty, Campos, Chiu, Mar

Resolution urging Federal authorities to remove obstacles to United Citizenship for Shirley Tan, and urging the passage of the Uniting American Families Act (UAFA, H.R. 1024, S. 424).

Supervisors Chiu and Mar requested to be added as co-sponsors.
ADOPTED

090442 [Armenian Genocide Commemoration Day]
Supervisors Elsbernd, Campos, Dufty, Mirkarimi, Alioto-Pier, Daly, Avalos, Chu, Chiu, Mar, Maxwell

Resolution declaring April 24, 2009, as Armenian Genocide Commemoration Day in San Francisco.

ADOPTED

090443 [Motion establishing Budget Analyst's 2009-2010 schedule of audits]
Supervisor Mirkarimi

Motion repealing Motion No. 09-55 and adopting a new schedule of audits to be conducted of programs of City and County departments.

APPROVED

090444 [Supporting Assembly Bill 324, the Elder Economic Dignity Act of 2009]
Supervisors Mirkarimi, Mar, Campos

Resolution supporting the California State Assembly Bill 324, the Elder Economic Dignity Act of 2009 .

Supervisors Mar and Campos requested to be added as co-sponsors.
ADOPTED

090448 [Supporting Assembly Bill 560, Net Metering]
Supervisors Mirkarimi, Campos

Resolution supporting Assembly Bill 560 that would raise the cap on net metering, and possibly eliminate the cap entirely.

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

090389 [Final Map - 2200, 2208 Mission Street and 3417-18th Street]
Motion approving Final Map 4197, a 23 Residential Unit and 2 Commercial Unit Mixed-Use Condominium Project, located at 2200, 2208 Mission Street and 3417-18th Street being a subdivision of Lot 001 in Assessors Block No. 3589 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,010; District 9.)

APPROVED

The foregoing items were acted upon by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference

Supervisor Dufty requested that this matter be severed so that it might be considered separately.

090428 [Condemning the persecution and murders of Lesbian Gay Bisexual Transgender (LGBT) Iraqi Citizens]
Supervisors Dufty, Campos, Avalos, Mirkarimi

Resolution calling on the U.S. Department of State to use all diplomatic channels to work with the Iraqi Government to stop the persecution of Iraqi Lesbian Gay Bisexual Transgender (LGBT) citizens and immediately stop the murders of Iraqi LGBT citizens.

Supervisor Mirkarimi requested to be added as a co-sponsor.
ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

090385 **[Settlement of Lawsuit - Robert Cruz and Darwin Dias - $92,000]**

Ordinance authorizing settlement of the lawsuit filed by Robert Cruz and Darwin Dias against the City and County of San Francisco for $92,000; the lawsuit was filed on January 14, 2008 in the United States District Court, Northern District of California, Case No. 08-0244; entitled Robert Cruz, et al. v. City and County of San Francisco, et al. (City Attorney)

3/31/09, RECEIVED AND ASSIGNED to Rules Committee.

090388 **[Zoning - Establishing the 1500 Page Street Residential Care Special Use District]**
Supervisor Mirkarimi

Ordinance amending the San Francisco Planning code by adding Sections 249.41 and 263.22 to establish the 1500 Page Street Residential Care Special Use District (SUD), encompassing the real property located at 1500 Page Street (Assessor's Block 1223, Lot 004), to permit the expansion of a building used for residential care; and adopting General Plan, Planning Code and environmental findings. (Planning Commission)

4/2/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 5/14/2009.

090392 **[Zoning - Ordinance amending Planning Code Section 309.1]**

Ordinance amending Planning Code Section 309.1 to allow a design review exception for Downtown Residential districts permitting minor height measurement modifications that could otherwise be modified as a Planned Unit Development pursuant to Section 304. (Planning Department)

4/6/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 5/14/2009.

PROPOSED RESOLUTIONS

090383 **[In Home Supportive Services Contract with IHSS Consortium of San Francisco]**

Resolution approving the contract between the City and County of San Francisco and the IHSS Consortium of San Francisco for the provision of In-Home Supportive Services for the period from July 1, 2009 to June 30, 20013, in the amount of $74,996,175. (Human Services Department)

3/31/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090384 **[Settlement of Unlitigated Claim - Allstate Insurance Company - $30,000]**

Resolution approving the settlement of unlitigated claim of Allstate Insurance Company as subrogee for Rajitha Sangha against San Francisco for $30,000; claim was filed on October 22, 2008. (City Attorney)

3/31/09, RECEIVED AND ASSIGNED to Rules Committee.

090386 [Approval of Contract Modification No. 2 to Contract No. 350-30 between the City and County of San Francisco and DaimlerChrysler Commercial Buses North America Ltd. - $18,250,293.80]

Resolution approving Contract Modification No. 2 to Contract No. 350-30 between the City and County of San Francisco, through the San Francisco Municipal Transportation Agency, and DaimlerChrysler Commercial Buses North America Ltd., to replace the energy storage system in the entire 30-foot hybrid electric bus fleet from lead acid based batteries and controls to lithium-ion based batteries and controls with a five-year battery warranty, delete special tools that are no longer needed, and purchase training modules, at an additional cost of $1,075,524, for a total contract amount not to exceed $18,250,293.80. (Municipal Transportation Agency)

3/2/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090387 [Approval of Contract Modification No. 4 to Contract No. 350 between the City and County of San Francisco and DaimlerChrysler Commercial Buses North America Ltd. - $32,223,133.25]

Resolution approving Contract Modification No. 4 to Contract No. 350 between the City and County of San Francisco, through the San Francisco Municipal Transportation Agency, and DaimlerChrysler Commercial Buses North America Ltd., to replace the energy storage system in the entire 40-foot hybrid electric bus fleet from lead acid based batteries and controls to lithium-ion based batteries and controls with a five-year battery warranty, at an additional cost of $2,520,000, for a total contract amount not to exceed $32,223,133.25. (Municipal Transportation Agency)

4/2/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:12 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

VOTES

MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT

APR 23 2009

SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, April 21, 2009 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Chu, Campos, Dufty	Wednesday 1:30 PM
Budget and Finance Subcommittee Supervisors Avalos, Mirkarimi, Chu	Wednesday 11:00 AM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly, Alioto-Pier	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Campos, Mirkarimi, Alioto-Pier	1st and 3rd Monday 11:00 AM
Rules Committee Supervisors Daly, Chu, Campos	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:06 p.m. On the call of the roll all Supervisor Mirkarimi was noted absent.

There was quorum.

Supervisor Mirkarimi was excused from attending today's meeting.

Supervisor Mirkarimi Excused From Attendance

Supervisor Dufty, seconded by Supervisor Elsbernd, moved to excuse Supervisor Mirkarimi from attending today's meeting. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

APPROVAL OF MEETING MINUTES

Supervisor Mar, seconded by Supervisor Avalos, moved to approve the Board Meeting Minutes of March 24, 2009. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

CONSENT AGENDA

Recommendation of the City Operations and Neighborhood Services Committee

090331 [Accept and Expend Private Grant - Back on Track Program - $111,998]
Supervisor Mirkarimi

Resolution authorizing the Office of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of $111,998 through the San Francisco Foundation, for a program entitled "Back on Track Re-entry Program" for fiscal year 2008-2009 and 2009-2010.

ADOPTED

Recommendations of the Land Use and Economic Development Committee

081560 [India Basin Industrial Park Zoning Map Amendment]
Supervisor Maxwell

Ordinance amending the San Francisco Planning Code by amending Sectional Map Sheets ZN08, ZN10, SU08 and SU10 to change the use classification of certain parcels in and around the India Basin Industrial Park Redevelopment Project Area from M-1 (Light Industrial) and M-2 (Heavy Industrial) Districts to PDR-1-B (Light Industrial, Buffer) and PDR-2 (Production, Distribution, and Repair) Districts and to incorporate all of the subject parcels into the India Basin Industrial Park Special Use District; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

FINALLY PASSED

081561 [India Basin Industrial Park, Planning Code Text Amendment]
Supervisor Maxwell

Ordinance amending the San Francisco Planning Code by adding Section 249.42 to create a new India Basin Industrial Park Special Use District; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

FINALLY PASSED

The foregoing items were acted upon by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Subcommittee

090130 [Health Care Accountability Components]
Supervisor Alioto-Pier

Ordinance amending Health Code Section 12Q.3 on the calculation of the health care accountability fee for covered contracting parties and increasing the existing fee and amending Section 12Q.2.9 to increase the number of hours an employee must work to be considered a covered employee.

FINALLY PASSED by the following vote:
Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 1 - Daly
Excused: 1 - Mirkarimi

Recommendations of the Land Use and Economic Development Committee

090202 [Approving General Plan Amendments Related to the Visitacion Valley Redevelopment Plan]
Supervisor Maxwell

Ordinance amending the San Francisco General Plan by approving General Plan amendments to implement the Visitacion Valley Redevelopment Plan (which includes a portion of the Visitacion Valley neighborhood and the Schlage Lock site within the City and County of San Francisco, the boundaries of which are designated on Sectional Map No. 10 SU of the Zoning Maps of the City and County of San Francisco, and which generally includes the properties bounded by Bayshore, Blanken and Tunnel Avenue to the San Francisco/San Mateo County line to the south, including the properties fronting Bayshore Boulevard from Arleta Avenue to the San Francisco/San Mateo County line to the south and including the properties fronting Leland Avenue from Cora Street to Bayshore Boulevard) by amending the Arts Element, Commerce and Industry Element, Recreation and Open Space Element, Transportation Element, and Urban Design Elements; making environmental findings and findings that the proposed amendments are consistent with the General Plan and the eight priority policies of the Planning Code Section 101.1. (Planning Department)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

090224 [Zoning Map Amendments In Connection With Visitacion Valley Redevelopment Plan]
Supervisor Maxwell

Ordinance amending the Zoning Map of the City and County of San Francisco by amending Sheet 10SU to establish a special use district for all property located within the Visitacion Valley Redevelopment Project Area, generally including the properties bounded by Bayshore, Blanken and Tunnel Avenue to the San Francisco/San Mateo County line to the south, including the properties fronting Bayshore Boulevard from Arleta Avenue to the San Francisco/San Mateo County line to the south and including the properties fronting Leland Avenue from Cora Street to Bayshore Boulevard; amending Sheet 10H of the Zoning Map to change the Height and Bulk District of the Visitacion Valley Redevelopment Project Area from a 40-X Height and Bulk District to a 55-X Height and Bulk District for property located in Subarea Zone 2 of the Visitacion Valley Redevelopment Plan; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

090223 [Schlage Lock/Visitacion Valley Special Use District]
Supervisor Maxwell

Ordinance amending the San Francisco Planning Code by adding Section 249.40 to establish the Visitacion Valley/Schlage Lock Special Use District which includes a portion of the Visitacion Valley neighborhood and the Schlage Lock site within the City and County of San Francisco, the boundaries of which are designated on Sectional Map No. 10 SU of the Zoning Maps of the City and County of San Francisco, and which generally includes the properties bounded by Bayshore, Blanken and Tunnel Avenue to the San Francisco/San Mateo County line to the south, including the properties fronting Bayshore Boulevard from Arleta Avenue to the San Francisco/San Mateo County line to the south and including the properties fronting Leland Avenue from Cora Street to Bayshore Boulevard; to require development within the Special Use District to adhere to the Visitacion Valley/Schlage Lock Design for Development document approved as part of the Visitacion Valley Redevelopment Plan.

(Economic Impact)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

090222 [Adopting the Redevelopment Plan for the Visitacion Valley Redevelopment Project]
Mayor, Supervisor Maxwell

Ordinance approving and adopting the Redevelopment Plan for the Visitacion Valley Redevelopment Project area; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Redevelopment Plan is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting other findings pursuant to the California Community Redevelopment Law; authorizing official acts in furtherance of this ordinance.

(Economic Impact)

Supervisor Maxwell, seconded by Supervisor Dufty, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

NEW BUSINESS

Recommendations of the Budget and Finance Subcommittee

090256 [Agreement to Purchase an Access and Communication Easement in Tuolumne County]

Resolution approving and authorizing an agreement for the purchase of a perpetual, nonexclusive easement for access and installation of communications equipment in Tuolumne County (the "Easement"), for a purchase price of $9,600, to facilitate and implement the project to upgrade the Hetch Hetchy Communications System; adopting environmental findings and findings under San Francisco Planning Code Section 101.1; and authorizing the Director of Property and/or the General Manager of the San Francisco Public Utilities Commission to execute documents, make certain modifications and take certain actions in furtherance of this Resolution. (Real Estate Department)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

090355 [Airport Commission's Declaration of Emergency contract pursuant to Section 6.60 of the San Francisco Administrative Code]

Resolution concurring with the Airport Commission's Declaration of Emergency in response to the boiler failures at the Airport and approving a contract between the Airport Commission and Ghiloti Brothers for the purchase of two new boilers. (Airport Commission)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

Recommendations of the City Operations and Neighborhood Services Committee

090322 [Accept and Expend Grant Funds - Healthy San Francisco program evaluation - $250,000]
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of $250,000 from the California Endowment to fund the Healthy San Francisco program evaluation; for the period of February 2, 2009, through July 31, 2010.

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

090326 [Accept and Expend DWR Grant Funds - SFPUC - $517,500]
Supervisor Maxwell

Resolution authorizing the San Francisco Public Utilities Commission to retroactively accept and expend a California Department of Water Resources Grant in the amount of $517,500.

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

090342 [Recognizing freshwater as a human right and the importance of access to safe drinking water for all]
Supervisors Dufty, Campos, Daly

Resolution recognizing freshwater as a human right and the importance of access to safe drinking water for all.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

Recommendation of the Land Use and Economic Development Committee

081282 [Urging City Departments to develop a Home Improvement Plan for the Bayshore Corridor]
Supervisors Maxwell, Dufty, Chiu

Resolution urging the Planning Department, Office of Economic and Workforce Development, and Redevelopment Agency to develop plans and programs to establish a Green and Sustainable Home Improvement District for the Bayshore Corridor area in Bayview Hunters Point.

Amended, on page 1, title, by adding "San Francisco Municipal Transportation Agency" and on Page 2, lines 12-18, after 3) by adding "that promotes opportunities for local businesses" and "8) a plan to generate jobs for the surrounding communities through the establishment of this district, and 9) an assessment of traffic congestion impacts"

Supervisor Campos, seconded by Supervisor Maxwell, moved that this Resolution be AMENDED. The motion carried by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

Resolution urging the Planning Department, Office of Economic and Workforce Development, and Redevelopment Agency, and the San Francisco Municipal Transportation Agency to develop plans and programs to establish a Green and Sustainable Home Improvement District for the Bayshore Corridor area in Bayview Hunters Point.

ADOPTED AS AMENDED by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

Recess

The Board recessed at the hour of 2:56 p.m.

Reconvening of the Board

The following Supervisors were noted present:
Supervisors Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

The Board at the hour of 3:33 p.m. reconvened.

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Mar, seconded by Supervisor Alioto-Pier, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mar introduced, welcomed, and presented a Certificate of Honor to Nancy DeStefanis for her contributions and teachings at Stow Lake in Golden Gate Park.

COMMITTEE REPORTS

Supervisor Mirkarimi was noted present at 3:33 p.m.

090233 **[Appointment, Historical Preservation Commission - Ruth Todd]**

Motion rejecting the Mayor's nomination for appointment of Ruth Todd to the Historical Preservation Commission, Seat No. 2, for a two-year term ending date to be determined. (Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 090232. Transmittal date – February 24, 2009.)

APPROVED by the following vote:
Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

James Chaffee; expressed concern with issues relating to the SF Public Library
Francisco Da Costa; expressed concern with issues relating to mandatory business and toxic dirt
Jackie Wright; expressed concern with issues relating to racism
John Di Donna; expressed concern with issues relating to black clothing
Walter; shared in song certain issues with the Board
Richard O'Neal; expressed concern with issues relating to availability of work
David Elder; expressed concern with issues relating to heritage

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

090462 [AmeriCorps Week - May 9 - 16, 2009]
Supervisor Alioto-Pier

Resolution declaring May 9 - 16, 2009, AmeriCorps Week.

ADOPTED

090463 [Supporting Aerial Spraying of Pesticide: Inert Ingredients Act (Senate Bill 759)]
Supervisor Alioto-Pier

Resolution urging the City and County of San Francisco to support Senate Bill 759, Aerial Spraying of Pesticide: Inert Ingredients Act.

ADOPTED

090464 [Congratulating President-Elect Mauricio Funes of El Salvador and encouraging further collaboration and solidarity with San Francisco's Sister City in El Salvador, Santa Tecla]
Supervisors Campos, Avalos, Daly, Mar, Mirkarimi

Resolution congratulating President-Elect Mauricio Funes of El Salvador and encouraging further collaboration and solidarity with San Francisco's Sister City, Santa Tecla.

ADOPTED

090465 [Denouncing immigration raids and supporting comprehensive immigration reform]
Supervisors Campos, Mar, Chiu

Resolution acknowledging immigrant contributions, denouncing Immigration and Customs Enforcement (ICE) raids, and supporting comprehensive immigration reform focused on family unity, worker justice, civil rights and a path to legalization.

Supervisors Mar and Chiu requested to be added as co-sponsors.
ADOPTED

090466 [Taxi Medallion Fees]
Supervisor Chiu

Resolution urging the San Francisco Municipal Transportation Agency to examine and consider taxi medallion fees.

ADOPTED

090467 [Urging the United States Postal Service to issue a commemorative stamp in honor of Supervisor Harvey Milk]
Supervisors Dufty, Campos

Resolution urging the United States Postal Service to issue a commemorative stamp in honor of Supervisor Harvey Milk.

ADOPTED

090468 [Commending Captain Denis O'Leary for his leadership at the Ingleside Station]
Supervisors Dufty, Campos, Elsbernd, Avalos, Mirkarimi

Resolution commending Captain Denis O'Leary for his leadership at the Ingleside Station, and his accomplishments increasing public safety.

ADOPTED

090472 [Commending Neil G. Giuliano for his success as the President and voice of Gay and Lesbian Alliance Against Defamation (GLAAD)]
Supervisor Dufty

Resolution commending Neil G. Giuliano for his dedication and service as the President of the Gay and Lesbian Alliance Against Defamation (GLAAD).

ADOPTED

090454 [Final Map: 64 - 72 Townsend Street]
Motion approving Final Map 4779, a 3 Lot Airspace Mixed-Use Subdivision and a 74 Residential Unit Condominium Project, located at 64 – 72 Townsend Street being a subdivision of Lot 003 in Assessors Block No. 3789 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,126; District 6.)

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCE

090394 [Settlement of Lawsuit - San Francisco Pier 33 LLC - $225,000]

Ordinance authorizing settlement of the lawsuit filed by San Francisco Pier 33 LLC against the City and County of San Francisco for $225,000; the lawsuit was filed on July 9, 2007 in San Francisco County Superior Court, Case No. CGC 07-464954; entitled San Francisco Pier 33 LLC v. City and County of San Francisco, et al.; other material terms of said settlement are agreement to amend plaintiff's lease of San Francisco Port Commission property to expand permissible uses, allow for certain sign replacements, and provide right of first refusal to enter into five-year lease of the property beginning June 13, 2014. (City Attorney)

4/9/09, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTION

090455 [Settlement of Claim - Marsanne Weese - $26,974.20]

Resolution approving the settlement of the unlitigated claim submitted by Marsanne Weese against the City and County of San Francisco for $26,974.20; claim was submitted on September 26, 2008. (City Attorney)

4/9/09, RECEIVED AND ASSIGNED to Rules Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 3:45 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

VOTES

MEETING MINUTES - DRAFT

Tuesday, April 28, 2009 2:00 PM

GOVERNMENT
DOCUMENTS DEPT

APR 30 2009

SAN FRANCISCO
PUBLIC LIBRARY

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Chu, Campos, Dufty	Wednesday 1:30 PM
Budget and Finance Subcommittee Supervisors Avalos, Mirkarimi, Chu	Wednesday 11:00 AM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly, Alioto-Pier	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Campos, Mirkarimi, Alioto-Pier	1st and 3rd Monday 11:00 AM
Rules Committee Supervisors Daly, Chu, Campos	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll all Supervisors were noted present.

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Avalos, moved to approve the Board Meeting Minutes of March 24, 2009. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

CONSENT AGENDA

Recommendations of the Rules Committee

090354 **[Settlement of Lawsuit - State of California, Department of Alcohol and Drug Programs - $604,354]**

Ordinance authorizing settlement of the administrative action filed by the State of California, Department of Alcohol and Drug Programs against the City and County of San Francisco for $604,354; the administrative action was initiated on March 20, 2008, in the California Office of Administrative Hearings, Case Nos. SACPA 02/03-38 and 03/04-38, OAH No. 2008070346 entitled In the Matter of the Audit of the City and County of San Francisco, Substance Abuse and Crime Prevention Act. (City Attorney)

PASSED ON FIRST READING

090385 **[Settlement of Lawsuit - Robert Cruz and Darwin Dias - $92,000]**

Ordinance authorizing settlement of the lawsuit filed by Robert Cruz and Darwin Dias against the City and County of San Francisco for $92,000; the lawsuit was filed on January 14, 2008, in the United States District Court, Northern District of California, Case No. 08-0244; entitled Robert Cruz, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED ON FIRST READING

090384 **[Settlement of Unlitigated Claim - Allstate Insurance Company - $30,000]**

Resolution approving the settlement of unlitigated claim of Allstate Insurance Company as subrogee for Rajitha Sangha against San Francisco for $30,000; claim was filed on October 22, 2008. (City Attorney)

ADOPTED

090434 **[Appointments, Children's Collaborative Task Force - Lindsay Page, Peggy Brown and Allyson Clark]**

Motion appointing Lindsay Page, Peggy Brown and Allyson Clark, terms to be determined, to the Children's Collaborative Task Force.

APPROVED

090435 **[Appointments, Child Care Planning and Advisory Council - Judith Baker, Lourdes Alarcon and Heidi McLaughlin]**

Motion appointing Judith Baker, term ending December 31, 2010, Lourdes Alarcon, term ending December 31, 2009 and Heidi McLaughlin, term ending December 31, 2011, to the Child Care Planning and Advisory Council.

APPROVED

090436 **[Appointment, Bicycle Advisory Committee - Rachel Ebora]**

Motion appointing Rachel Ebora, term ending November 19, 2010, to the Bicycle Advisory Committee.

APPROVED

090439 **[Appointments, Immigrant Rights Commission - Solomon Jones and Elahe Enssani]**

Motion appointing Solomon Jones and Elahe Enssani, terms ending June 6, 2010, to the Immigrant Rights Commission.

APPROVED

090440 **[Appointment, Commission on the Aging Advisory Council - Vera Haile]**

Motion appointing Vera Haile, term ending March 31, 2011, to the Commission on the Aging Advisory Council.

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Land Use and Economic Development Committee

090202 [Approving General Plan Amendments Related to the Visitacion Valley Redevelopment Plan]
Supervisor Maxwell

Ordinance amending the San Francisco General Plan by approving General Plan amendments to implement the Visitacion Valley Redevelopment Plan (which includes a portion of the Visitacion Valley neighborhood and the Schlage Lock site within the City and County of San Francisco, the boundaries of which are designated on Sectional Map No. 10 SU of the Zoning Maps of the City and County of San Francisco, and which generally includes the properties bounded by Bayshore, Blanken and Tunnel Avenue to the San Francisco/San Mateo County line to the south, including the properties fronting Bayshore Boulevard from Arleta Avenue to the San Francisco/San Mateo County line to the south and including the properties fronting Leland Avenue from Cora Street to Bayshore Boulevard) by amending the Arts Element, Commerce and Industry Element, Recreation and Open Space Element, Transportation Element, and Urban Design Elements; making environmental findings and findings that the proposed amendments are consistent with the General Plan and the eight priority policies of the Planning Code Section 101.1. (Planning Department)

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090224 [Zoning Map Amendments In Connection With Visitacion Valley Redevelopment Plan]
Supervisor Maxwell

Ordinance amending the Zoning Map of the City and County of San Francisco by amending Sheet 10SU to establish a special use district for all property located within the Visitacion Valley Redevelopment Project Area, generally including the properties bounded by Bayshore, Blanken and Tunnel Avenue to the San Francisco/San Mateo County line to the south, including the properties fronting Bayshore Boulevard from Arleta Avenue to the San Francisco/San Mateo County line to the south and including the properties fronting Leland Avenue from Cora Street to Bayshore Boulevard; amending Sheet 10H of the Zoning Map to change the Height and Bulk District of the Visitacion Valley Redevelopment Project Area from a 40-X Height and Bulk District to a 55-X Height and Bulk District for property located in Subarea Zone 2 of the Visitacion Valley Redevelopment Plan; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090223 [Schlage Lock/Visitacion Valley Special Use District]
Supervisor Maxwell

Ordinance amending the San Francisco Planning Code by adding Section 249.40 to establish the Visitacion Valley/Schlage Lock Special Use District which includes a portion of the Visitacion Valley neighborhood and the Schlage Lock site within the City and County of San Francisco, the boundaries of which are designated on Sectional Map No. 10 SU of the Zoning Maps of the City and County of San Francisco, and which generally includes the properties bounded by Bayshore, Blanken and Tunnel Avenue to the San Francisco/San Mateo County line to the south, including the properties fronting Bayshore Boulevard from Arleta Avenue to the San Francisco/San Mateo County line to the south and including the properties fronting Leland Avenue from Cora Street to Bayshore Boulevard; to require development within the Special Use District to adhere to the Visitacion Valley/Schlage Lock Design for Development document approved as part of the Visitacion Valley Redevelopment Plan.

(Economic Impact)

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090222 [Adopting the Redevelopment Plan for the Visitacion Valley Redevelopment Project]
Mayor, Supervisor Maxwell

Ordinance approving and adopting the Redevelopment Plan for the Visitacion Valley Redevelopment Project area; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Redevelopment Plan is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting other findings pursuant to the California Community Redevelopment Law; authorizing official acts in furtherance of this ordinance.

(Economic Impact)

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

NEW BUSINESS

From the Budget and Finance Committee Without Recommendation

090424 [Approving the 2009 San Francisco Juvenile Justice Local Action Plan Update]
Supervisor Avalos

Resolution approving the 2009 San Francisco Juvenile Justice Local Action Plan which identifies the citywide programs and approaches that have been demonstrated to be effective in reducing violence, crime and delinquency amongst young adults ages 11 – 25 and includes recommendations for how funding for local violence prevention and intervention strategies will be allocated for the term of July 1, 2009 – June 30, 2010.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

From the Budget and Finance Subcommittee Without Recommendation

090093 [Solar Energy Agreements with Recurrent Energy]
Mayor, Supervisors Chu, Dufty, Alioto-Pier, Mar

Ordinance approving a 25-Year Power Purchase Agreement and Site Lease Agreement with RE-SFCITY1, LP (Recurrent), a wholly owned subsidiary of Recurrent Energy, to finance, construct, own, operate, and maintain a solar photovoltaic power plant on the rooftop of the North Storage Basin Reservoir and certain adjacent land on the Sunset Reservoir property located at the intersection of 24th Avenue and Ortega Street, San Francisco, and to sell all electricity generated by the project to the City acting through its Public Utilities Commission.

(Fiscal Impact.)
(Supervisor Campos dissented in Committee.)

Supervisors Alioto-Pier and Mar requested to be added as co-sponsors.

Continued to May 5, 2009.

Supervisor Chu, seconded by Supervisor Alioto-Pier, moved that this Ordinance be CONTINUED ON FIRST READING. The motion carried by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Campos

Recommendations of the Budget and Finance Subcommittee

090404 [Certificates of Participation for Street Improvements - $42,000,000]
Mayor

Ordinance authorizing the execution and delivery of Certificates of Participation in an aggregate principal amount not to exceed $42,000,000 to finance the acquisition, construction, improvement and installation of certain street improvements; approving the form of a First Supplement to Trust Agreement between the City and County of San Francisco and the Trustee named therein (including certain indemnities contained therein); approving the form of a First Supplement to Project Lease between the City and the Trustee relating to the real property and improvements located at 375 Laguna Honda Boulevard; approving the form of an Official Notice of Sale and Notice of Intention to Sell for the Certificates of Participation, if sold by competitive sale; authorizing certain actions relating to the Certificates of Participation, if sold by negotiated sale; approving the form of an official statement in preliminary and final form; approving the form of a Continuing Disclosure Certificate; granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of the Certificates of Participation; approving modifications to documents; and ratifying previous actions taken in connection therewith.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090418 [Waiver of fee for temporary farmers' market in Noe Valley from April 14, 2009, through September 29, 2009]
Supervisor Dufty

Ordinance waiving the fees in San Francisco Business and Tax Regulations Code Sections 35 and 248 and in San Francisco Administrative Code Section 1.10-1 for a farmers' market to be held at 3950 24th Street from April 14, 2009, through September 29, 2009.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

090211 **[Planning Code-Amending Appendix C to Article 11 Regarding 608 Folsom Street]**

Ordinance amending the designation of 608 Folsom Street (Assessor's Block 3735, Lot 009) from Category V (Unrated) to Category III (Contributory) under Planning Code Article 11; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings. (Planning Commission)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090225 **[Residential Water Conservation Ordinance Amendments]**

Mayor, Supervisor Maxwell

Ordinance amending Chapter 12A of the San Francisco Housing Code to achieve water conservation by improving the water efficiency of residential buildings by amending the standards for water closets, showerheads, and faucet aerators and requiring leak repair in all residential buildings, except for tourist hotels and motels, required upon the occurrence of specific events, amending Chapter 12A to allow an exemption to preserve historical integrity, amending Chapter 12 and 12 A to allow paper and/or electronic forms for compliance and providing that compliance records may be available via the internet, amending Section 1211 to clarify that domestic partners are entitled to the same exemptions from the definition of transfers as spouses, amending the Section 1216 fee provision for energy conservation compliance to include water conservation compliance, and providing that this ordinance shall be effective no earlier than July 1, 2009.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090226 **[Commercial Water Conservation Ordinance Amendments]**

Mayor, Supervisor Maxwell

Ordinance amending Chapter 13A of the San Francisco Building Code to achieve water conservation by improving the water efficiency of commercial buildings by changing the standards for water closets, urinals, showerheads and faucet aerators and requiring leak repair, required upon the occurrence of major additions or improvements, and in all defined commercial buildings no later than January 1, 2017, authorizing an exemption to preserve historical integrity of the building, authorizing paper and/or electronic forms for compliance and providing that compliance records may be available via the internet, providing that reasonable fees may be required to pay for the cost of implementing this Chapter, to be established by subsequent Board action, and providing that this ordinance shall be effective no earlier than July 1, 2009.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Rules Committee

090453 **[Appointment, Police Commission - Petra DeJesus]**

Motion appointing Petra DeJesus, term ending April 30, 2013, to the Police Commission.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Board of Supervisors Sitting as a Committee of the Whole

090316 [Committee of the Whole - Hearing on the Board of Supervisors' roles and responsibilities during a City Emergency]
Supervisors Maxwell, Chiu

Hearing on the roles and responsibilities of the Board of Supervisors during a City Emergency.

The President inquired as to whether any members of the public wished to address the Board members.

Vicki Hennessy (Department of Emergency Management) presented information relating to Board of Supervisors' role in emergency management and introduced staff who provided an update on the swine flu outbreak; Members of the Police Department spoke regarding emergency planning and associated reactions; Anne Kronenberg (Department of Public Health) spoke regarding outreach and emergency preparation. Nilka Julio (Office of the Clerk of the Board) spoke regarding emergency plan and associated expectations.

There were no other speakers.

The President declared the public hearing closed.
FILED.

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Alioto-Pier, seconded by Supervisor Chiu, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Alioto-Pier introduced, welcomed, and presented Certificates of Honor to Chong Park, Ho Rim Kam, and Joyce Kim for their service at City Hall Cafe.

Supervisor Chiu introduced, welcomed, and presented a Certificate of Honor to She Fun Lee in recognition of his 92nd birthday.

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdullah Megaheed; expressed appreciation to the current Federal administration
James Chaffee; expressed concern with issues relating to the SF Public Library
Walter; shared in song certain issues with the Board
Danny O'Landry; expressed concern with issues relating to the Western Addition Board of Directors and subsequent disclosure
Female speaker, expressed concern with issues relating to solving child homicides and violence in the community

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

090480 **[Supporting Senate Bill 797, the Toxin-Free Babies and Toddlers Act]**
Supervisor Alioto-Pier

Resolution urging the City and County of San Francisco to support Senate Bill 797 (SB 797), the Toxin-Free Babies and Toddlers Act.

ADOPTED

090481 **[Accept and Expend Grant - Department of Public Health (DPH) - $100,000]**
Supervisor Alioto-Pier

Resolution authorizing the San Francisco Department of Public Health (DPH) to retroactively accept and expend a grant in the amount of $100,000 from the National Association of County and City Health Officials (NACCHO) to support a public health preparedness project through the Communicable Disease and Prevention Section; for the period of April 1, 2009 through September 29, 2009.

ADOPTED

090483 **[Supporting Senate Bill 585 to ban gun shows at the Cow Palace]**
Supervisors Avalos, Dufty, Maxwell

Resolution supporting Senate Bill 585 to ban gun shows at the Cow Palace.

Supervisor Maxwell requested to be added as a co-sponsor.
ADOPTED

090487 [Accept and Expend Grant - Department of Public Health (DPH) - $34,645]
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of $34,645 from the Public Health Foundation Enterprises (PHFE), to support a research project entitled "Chemoprophylaxis for HIV Prevention in Men;" for the period of February 1, 2009, through January 31, 2010.

ADOPTED

090488 [Commending Parents for Public Schools-San Francisco for ten years of service]
Supervisors Dufty, Mar, Chiu

Resolution commending Parents for Public Schools-San Francisco on ten years of service to the parents, students and public schools of San Francisco.

Supervisors Mar and Chiu requested to be added as co-sponsors.
ADOPTED

090489 [Building Safety Week - May 3-9, 2009]
Supervisor Elsbernd

Resolution declaring May 3-9, 2009, as Building Safety Week in San Francisco, recognizing the public safety efforts undertaken by the professionals at the Department of Building Inspection, and honoring these public employees for their dedication to safety.

ADOPTED

090490 [Commending Robert Pender on the occasion of his 85th birthday]
Supervisors Elsbernd, Mar

Resolution commending Robert Pender on the occasion of his 85th birthday.

Supervisor Mar requested to be added as a co-sponsor.
ADOPTED

090491 [Accept and Expend Grant - Department of Public Health - Laguna Honda Hospital (DPH-LHH) - $7,500]
Supervisor Elsbernd

Resolution authorizing the San Francisco Department of Public Health (DPH) – Laguna Honda Hospital (DPH-LHH), to accept and expend retroactively a grant in the amount of $7,500 from the Stanford Geriatric Education Center, to support the transitional healthcare project, for the period of July 1, 2008 through June 30, 2009.

ADOPTED

090492 [Declaring June, July and August 2009 as Soda Free Summer]
Supervisors Maxwell, Mar

Resolution declaring June, July and August 2009 as "Soda Free Summer" and urging all San Franciscans to join Shape Up SF to "Rethink Your Drink " and go Soda Free this summer.

Supervisor Mar requested to be added as a co-sponsor.
ADOPTED

The foregoing items were acted upon by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed for the For Adoption Withouth Committee Reference Agenda

Supervisor Dufty requested that this matter be severed so that it might be considered separately.

090350 [Board of Supervisors to sit as a Committee of the Whole - April 28, 2009]
Supervisors Maxwell, Chiu

Motion that the Board convenes as a Committee of the Whole on April 28, 2009, to consider Board of Supervisors File Number 090316, a hearing to discuss the Board's roles and responsibilities in the event of a City emergency.

The President inquired as to whether any members of the public wished to address the Board members.
There were none.
The President declared the public hearing closed.
APPROVED by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

090482 [Opposing Proposition 1D on the May 19, 2009, Statewide Special Election]
Supervisors Avalos, Mar

Resolution opposing Proposition 1D on the May 19, 2009, Statewide Special Election.

Supervisor Mar requested to be added as a co-sponsor.

Continued to May 5, 2009.
Supervisor Elsbernd, seconded by Supervisor Dufty, moved that this Resolution be CONTINUED. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090486 [Drug Enforcement Administration (DEA) raids on medical cannabis dispensaries]
Supervisors Campos, Mirkarimi, Mar, Avalos

Resolution urging a cessation of recent Drug Enforcement Administration raids on medical cannabis dispensaries.

Supervisors Mirkarimi, Mar, and Avalos requested to be added as co-sponsors.

Continued to May 5, 2009.

Supervisor Elsbernd, seconded by Supervisor Campos, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved ADOPTION of the purely commendatory finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

[Brown Act Finding]
Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090517 [Proclaiming April 2009 Autism Awareness Month in San Francisco]
Supervisors Dufty, Alioto-Pier

Resolution proclaiming April 2009 Autism Awareness Month in San Francisco.

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved that this Resolution be ADOPTED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

090076 **[Administrative Code - Establishing Fees under the Community Preservation and Blight Reduction Act]**

Ordinance amending the San Francisco Administrative Code Chapter 80, Section 80.4, to authorize the Department of Public Works to charge a fee of $250 to cover the cost of inspecting blighted properties and to charge an increased fee to recover additional inspection costs incurred in enforcement of the Community Preservation and Blight Reduction Act; amending Section 80.8 to clarify that the Blight Enforcement Fund is a Category Six special fund within the meaning of Administrative Code Title XIII, Section 10.100-1; and making environmental findings. (Public Works Department)

1/26/09, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 3/5/2009. 02/03/09 - Referred to Planning for determination of environmental impact. 02/10/09 - Response received from Planning, exempt from CEQA.

4/13/09, SUBSTITUTED. Department of Public Works submitted a substitute ordinance bearing new title.

4/13/09, ASSIGNED to Budget and Finance Committee.

4/24/09, TRANSFERRED to Budget and Finance Subcommittee.

PROPOSED RESOLUTIONS

090450 **[Approval of Sheriff's Contract for Jail Commissary and Inmate Trust Fund Accounting & Management System with ARAMARK Correctional Services, LLC]**

Resolution approving a contract for operating the Sheriff's Jail Commissary and Inmate Trust Fund Accounting & Management System, between ARAMARK Correctional Services, LLC. (ARAMARK), and the City and County of San Francisco, acting by and through its Sheriff's Department. (Sheriff)

4/14/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090451 **[Memorandum of Understanding between the Treasure Island Development Authority and the San Francisco Public Utilities Commission for Payment of Unpaid Utilities]**

Resolution approving and authorizing the execution of a Memorandum of Understanding between the Treasure Island Development Authority and the San Francisco Public Utilities Commission for Payment of Unpaid Utility Amounts. (Treasure Island Development Authority)

4/17/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:15 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

VOTES

MEETING MINUTES - DRAFT

Tuesday, May 5, 2009 2:00 PM

GOVERNMENT
DOCUMENTS DEPT
MAY - 8 2009
SAN FRANCISCO
PUBLIC LIBRARY

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Chu, Campos, Dufty	Wednesday 1:30 PM
Budget and Finance Subcommittee Supervisors Avalos, Mirkarimi, Chu	Wednesday 11:00 AM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly, Alioto-Pier	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Campos, Mirkarimi, Alioto-Pier	1st and 3rd Monday 11:00 AM
Rules Committee Supervisors Daly, Chu, Campos	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:10 p.m. On the call of the roll all Supervisors were noted present.

APPROVAL OF MEETING MINUTES

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved to approve the Board Meeting Minutes of April 7, 2009. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

CONSENT AGENDA

Recommendations of the Budget and Finance Subcommittee

090418 **[Waiver of fee for temporary farmers' market in Noe Valley from April 14, 2009, through September 29, 2009]**

Supervisor Dufty

Ordinance waiving the fees in San Francisco Business and Tax Regulations Code Sections 35 and 248 and in San Francisco Administrative Code Section 1.10-1 for a farmers' market to be held at 3950 24th Street from April 14, 2009, through September 29, 2009.

FINALLY PASSED

090404 [Certificates of Participation for Street Improvements - $42,000,000]
Mayor

Ordinance authorizing the execution and delivery of Certificates of Participation in an aggregate principal amount not to exceed $42,000,000 to finance the acquisition, construction, improvement and installation of certain street improvements; approving the form of a First Supplement to Trust Agreement between the City and County of San Francisco and the Trustee named therein (including certain indemnities contained therein); approving the form of a First Supplement to Project Lease between the City and the Trustee relating to the real property and improvements located at 375 Laguna Honda Boulevard; approving the form of an Official Notice of Sale and Notice of Intention to Sell for the Certificates of Participation, if sold by competitive sale; authorizing certain actions relating to the Certificates of Participation, if sold by negotiated sale; approving the form of an official statement in preliminary and final form; approving the form of a Continuing Disclosure Certificate; granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of the Certificates of Participation; approving modifications to documents; and ratifying previous actions taken in connection therewith.

(Fiscal Impact.)

FINALLY PASSED

Recommendation of the City Operations and Neighborhood Services Committee

090323 [Approval of Software License and Software Maintenance contracts between the Department of Public Health and Philips Healthcare]
Supervisor Dufty

Resolution authorizing the Department of Public Health to enter into a Software License and Software Maintenance contract with Philips Healthcare.

ADOPTED

Recommendations of the Land Use and Economic Development Committee

090211 [Planning Code-Amending Appendix C to Article 11 Regarding 608 Folsom Street]

Ordinance amending the designation of 608 Folsom Street (Assessor's Block 3735, Lot 009) from Category V (Unrated) to Category III (Contributory) under Planning Code Article 11; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings. (Planning Commission)

FINALLY PASSED

090225 [Residential Water Conservation Ordinance Amendments]
Mayor, Supervisor Maxwell

Ordinance amending Chapter 12A of the San Francisco Housing Code to achieve water conservation by improving the water efficiency of residential buildings by amending the standards for water closets, showerheads, and faucet aerators and requiring leak repair in all residential buildings, except for tourist hotels and motels, required upon the occurrence of specific events, amending Chapter 12A to allow an exemption to preserve historical integrity, amending Chapter 12 and 12 A to allow paper and/or electronic forms for compliance and providing that compliance records may be available via the internet, amending Section 1211 to clarify that domestic partners are entitled to the same exemptions from the definition of transfers as spouses, amending the Section 1216 fee provision for energy conservation compliance to include water conservation compliance, and providing that this ordinance shall be effective no earlier than July 1, 2009.

FINALLY PASSED

090226 [Commercial Water Conservation Ordinance Amendments]
Mayor, Supervisor Maxwell

Ordinance amending Chapter 13A of the San Francisco Building Code to achieve water conservation by improving the water efficiency of commercial buildings by changing the standards for water closets, urinals, showerheads and faucet aerators and requiring leak repair, required upon the occurrence of major additions or improvements, and in all defined commercial buildings no later than January 1, 2017, authorizing an exemption to preserve historical integrity of the building, authorizing paper and/or electronic forms for compliance and providing that compliance records may be available via the internet, providing that reasonable fees may be required to pay for the cost of implementing this Chapter, to be established by subsequent Board action, and providing that this ordinance shall be effective no earlier than July 1, 2009.

FINALLY PASSED

Recommendations of the Rules Committee

090354 [Settlement of Lawsuit - State of California, Department of Alcohol and Drug Programs - $604,354]
Ordinance authorizing settlement of the administrative action filed by the State of California, Department of Alcohol and Drug Programs against the City and County of San Francisco for $604,354; the administrative action was initiated on March 20, 2008, in the California Office of Administrative Hearings, Case Nos. SACPA 02/03-38 and 03/04-38, OAH No. 2008070346 entitled In the Matter of the Audit of the City and County of San Francisco, Substance Abuse and Crime Prevention Act. (City Attorney)

FINALLY PASSED

090385 [Settlement of Lawsuit - Robert Cruz and Darwin Dias - $92,000]
Ordinance authorizing settlement of the lawsuit filed by Robert Cruz and Darwin Dias against the City and County of San Francisco for $92,000; the lawsuit was filed on January 14, 2008, in the United States District Court, Northern District of California, Case No. 08-0244; entitled Robert Cruz, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

The foregoing items were acted upon by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

From the Budget and Finance Subcommittee Without Recommendation

090093 [Solar Energy Agreements with Recurrent Energy]
Mayor, Supervisors Chu, Dufty, Alioto-Pier, Mar

Ordinance approving a 25-Year Power Purchase Agreement and Site Lease Agreement with RE-SFCITY1, LP (Recurrent), a wholly owned subsidiary of Recurrent Energy, to finance, construct, own, operate, and maintain a solar photovoltaic power plant on the rooftop of the North Storage Basin Reservoir and certain adjacent land on the Sunset Reservoir property located at the intersection of 24th Avenue and Ortega Street, San Francisco, and to sell all electricity generated by the project to the City acting through its Public Utilities Commission.

(Fiscal Impact.)
(Supervisor Campos dissented in Committee.)

Supervisor Chu, seconded by Supervisor Mar, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Amended, Page 4, Lines 2-9, by adding "The guaranteed maximum PPA cost is $60,218,619. The PUC shall not less than annually provide to the Board of Supervisors a report on the administration of the PPA and the lease. The report shall include, without limitation, the following information: (i) the progress of construction of the solar facility; (ii) the amount of energy produced by the facility; (iii) funds expended under the lease and PPA; (iv) material disputes under the lease and/or PPA; (v) other matters deemed relevant by PUC."

Supervisor Mirkarimi, seconded by Supervisor Daly, moved that this Ordinance be AMENDED. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Alioto-Pier

Amending, Page 4, Line 21 through Page 5, Line 3.

Supervisor Mirkarimi, seconded by Supervisor Daly, moved that this Ordinance be AMENDED. The motion FAILED by the following vote:

Ayes: 5 - Avalos, Campos, Chiu, Daly, Mirkarimi
Noes: 6 - Alioto-Pier, Chu, Dufty, Elsbernd, Mar, Maxwell

Amending, Page 6, Line 10.

Supervisor Mirkarimi, seconded by Supervisor Daly, moved that this Ordinance be AMENDED. The motion FAILED by the following vote:

Ayes: 4 - Campos, Chiu, Daly, Mirkarimi
Noes: 7 - Alioto-Pier, Avalos, Chu, Dufty, Elsbernd, Mar, Maxwell

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 7 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 4 - Avalos, Campos, Daly, Mirkarimi

NEW BUSINESS

Recommendations of the Budget and Finance Subcommittee

090076 [Administrative Code - Establishing Fees under the Community Preservation and Blight Reduction Act]
Supervisor Avalos

Ordinance amending the San Francisco Administrative Code Chapter 80, Section 80.4, to authorize the Department of Public Works to charge a fee of $250 to cover the cost of inspecting blighted properties and to charge an increased fee to recover additional inspection costs incurred in enforcement of the Community Preservation and Blight Reduction Act; amending Section 80.8 to clarify that the Blight Abatement Fund is a Category Six special fund within the meaning of Administrative Code Title XIII, Section 10.100-1; and making environmental findings. (Public Works Department)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090287 [State Video Franchise Holders]
Supervisors Mirkarimi, Daly

Ordinance amending the San Francisco Administrative Code by: (1) amending Section 11.1 and adding Section 11.28-A, to establish a fee for state video franchise holders offering services in San Francisco to support public, educational, and government channel facilities and activities; and (2) amending Section 11.1 and adding Section 11.83-A, to establish penalties for violation of customer service and consumer protection standards by state video franchise holders.

(Supervisor Chu dissented in Committee.)

Supervisor Daly requested to be added as a co-sponsor.

Continued to May 19, 2009.

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved that this Ordinance be CONTINUED ON FIRST READING. The motion carried by the following vote:

Ayes: 7 - Alioto-Pier, Avalos, Chiu, Chu, Dufty, Elsbernd, Maxwell
Noes: 4 - Campos, Daly, Mar, Mirkarimi

090356 [Agreement to Sell the Dolores Hotel Located at 35-37 Woodward Street]
Supervisor Daly

Resolution approving and authorizing the execution and performance of an Agreement For Sale of Real Estate relating to the property commonly known as the Dolores Hotel and located at 35-37 Woodward Street; adopting findings that the sale is exempt from Environmental Review and is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property and the Director of the Mayor's Office of Housing to execute documents, make certain modifications and take certain actions in furtherance of this Resolution. (Real Estate Department)

(Fiscal Impact.)

Supervisor Daly requested to be added as sponsor.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the City Operations and Neighborhood Services Committee

080322 [Prohibition on loitering outside nightclubs]
Mayor, Supervisor Maxwell

Ordinance amending the San Francisco Police Code by adding Section 121, to prohibit loitering outside nightclubs.

Amended, Page 2, Line 20, deleting "misdemeanor."

Supervisor Dufty, seconded by Supervisor Maxwell, moved that this Ordinance be AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 2 - Avalos, Daly

Recommendations of the Government Audit and Oversight Committee

Supervisor Chu Excused from Voting

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090286 [Amending provisions of Chapter 18 of the Administrative Code to specify enforcement and consolidate reporting requirements]
Supervisor Mirkarimi

Ordinance adopting and implementing amendments to Secs. 18.13-1 and 18.13-5 of the San Francisco Administrative Code.

Supervisor Chu moved to divide the question relating to "uniformed Fire Department employees" located on Page 1, Lines 21-23.

The question relating to the "uniformed Fire Department employees" was passed by the following vote:
Ayes: 9 - Alioto-Pier, Avalos, Chiu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos
Excused: 1 - Chu

PASSED ON FIRST READING AS DIVIDED by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos

081095 [Board of Supervisors response to the 2007-2008 Civil Grand Jury Report entitled "The homeless have homes, but they are still on the street"]
Supervisor Mirkarimi

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2007-2008 Civil Grand Jury Report entitled “The homeless have homes, but they are still on the street.”

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

090210 [Zoning Map Amendment - 2400 Irving Street]

Ordinance amending the San Francisco Planning Code by amending the Zoning Map of the City and County of San Francisco by amending Sheet ZN05 and Sheet SU05 to change the zoning classification of the northern portion of the property located at 2400 Irving Street, Block 1725, Assessor’s Lot No. 053, from RH-2 (Residential House, Two-Family) to NC-2 (Small-Scale Neighborhood Commercial District) and include it within the Irving Street Restaurant & Fast Food Restricted Use SUD; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and Priorities of Planning Code Section 101.1(b). (Planning Department)

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090469 [Green Building Ordinance - Finding of Cost Effectiveness and Energy Savings]
Mayor

Resolution adopting a finding by the Board of Supervisors, required by State law, that the City's Green Building Ordinance (Chapter 13C of the San Francisco Building Code) is cost effective and will save more energy than the 2008 California Building Efficiency Standards that will go into effect throughout the State of California on August 1, 2009, and directing the Department of Building Inspection or other appropriate City staff to cause the Green Building Ordinance, this resolution, and the supporting study to be transmitted to the California Energy Commission for its review and re-approval.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Campos, seconded by Supervisor Dufty, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Campos introduced, welcomed, and presented a Certificates of Honor to Amanda Narvaez, Blanca Velasquez, and Beatriz Yepez in recognition of their contributions at the Mission Neighborhood Center.

COMMITTEE REPORTS

090329 [Recreation and Park Department - Sharp Park]
Supervisors Mirkarimi, Daly, Campos

Ordinance amending San Francisco Park Code Article 3 by adding Section 3.20, to require the Recreation and Park Department to develop a plan, schedule and budget for restoring Sharp Park habitat for the California red-legged frog and the San Francisco garter snake in conformance with the requirements of the Endangered Species Act, and transferring Sharp Park to, or developing a joint management agreement with, the Golden Gate National Recreation Area and making environmental findings.

(Fiscal Impact.)

Amended, page 1, Line 21, changing date to "July 31." Amended, Page 2, Lines 5-7, adding "(b) No later than August 31, 2009, the Department shall provide to the Clerk of the Board of Supervisors a report detailing the steps taken, and the progress made, to achieve the goals set forth in subsection (a), above."

Supervisor Maxwell, seconded by Supervisor Mar, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Amended, Page 2, Line 1, adding "and the City of Pacifica and/or County of San Mateo."
Supervisor Elsbernd, seconded by Supervisor Maxwell, moved that this Ordinance be AMENDED. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisors Daly and Campos requested to be added as co-sponsors.
PASSED ON FIRST READING AS AMENDED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megaheed; expressed concerns with various issues.
James Chaffee; expressed concern with issues relating to the SF Public Library.
Walter; shared in song certain issues with the Board.
Female Speaker; expressed concern with issues relating to public process.
Mandy Webster; Male Speaker; Sharame Clark; Jonathon Frewert; Male Speaker; Gilbert; Denise Dorie; Albert Blaze; John Martinelli; and Cathleen; all expressed concern with issues relating to raids on medical cannabis dispensaries.
Shawna Goker; expressed concern with issues relating drug policy reform.
Jackie Sacks; expressed concern with issues relating to bus rapid transit.
Jean Biggins; expressed support for John Ross Day.
Francisco DiCosta; expressed concerns with issues relating to radiological waste.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

090528 **[Declaring May 12, 2009, as John Ross Day]**
Supervisors Avalos, Daly, Campos

Resolution commending John Ross for his service to San Francisco over the past 45 years as a writer, poet, journalist, speaker, teacher, and community organizer, and declaring May 12, 2009, to be John Ross Day.

Supervisors Daly and Campos requested to be added as co-sponsors.
ADOPTED

090530 **[Municipal Clerks Week - May 3-9, 2009]**
Supervisors Chiu, Alioto-Pier, Avalos, Campos, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Resolution declaring May 3-9, 2009, as Municipal Clerks Week in the City and County of San Francisco, hereby recognizing the vital services performed by Municipal Clerks and especially by the City and County of San Francisco Board of Supervisors Clerk of the Board, Angela Calvillo, and her staff.

ADOPTED

090531 [Declaring May 2009 as Hepatitis B Awareness Month]
Supervisors Chiu, Alioto-Pier, Chu, Maxwell, Campos

Resolution declaring May 2009 as Hepatitis B awareness month in San Francisco, with the goal of holding at least one Hepatitis B awareness or prevention event every day of the month; build on continuing efforts by the San Francisco community to make San Francisco the first city in America to be free of Hepatitis B disease; encouraging all San Francisco residents to know their own Hepatitis B status.

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

090532 [Supporting Senate Bill 782, Residential tenancies: domestic violence]
Supervisors Chu, Campos, Chiu

Resolution supporting Senate Bill 782 to provide stable, safe housing for victims of domestic violence, sexual assault or stalking.

Supervisors Campos and Chiu requested to be added as co-sponsors.
ADOPTED

090533 [Urging Golden Gate National Recreation Area (GGNRA) to consider needs of Ocean Beach]
Supervisors Chu, Mar, Elsbernd, Campos

Resolution urging the Golden Gate National Recreation Area (GGNRA) to consider needs of Ocean Beach when allocating $16.1 million it has received in American Recovery and Reinvestment Act funds as well as future allotments of Federal funding.

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

090534 [Mortgage Revenue Bonds]
Supervisors Daly, Campos

Resolution declaring the intent of the City and County of San Francisco (the "City") to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing (the "Director") to submit an application and related documents to the California Debt Limit Allocations Committee ("CDLAC") to permit the issuance of qualified mortgage revenue bonds in an aggregate principal amount not to exceed $12,000,000 for Arlington Residence; authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed $60,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the qualified mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of mortgage revenue bonds by the City in an aggregate principal amount not to exceed $12,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project (as defined herein) and the Application (as defined herein).

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

090536 **[Commending Chris Ellen Montgomery on her 25 years of service to the City and County of San Francisco]**
Supervisors Dufty, Campos

Resolution commending Chris Ellen Montgomery for her 25 years of exceptional service to the City and County of San Francisco and the Department of Public Works.

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

090537 **[Endorsing San Francisco's inclusion in the "Healthy Purchase Pilot Program"]**
Supervisors Maxwell, Campos

Resolution endorsing and supporting San Francisco's inclusion in the California Department of Public Health's "Healthy Purchase Pilot Program."

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

090529 **[Waiver permitting City Employees to Assist the Department of Elections with the May 19, 2009, special statewide election]**
Supervisor Chiu

Motion granting a waiver from the prohibition imposed by Charter section 13.104.5, to permit City employees to assist the Department of Elections with the May 19, 2009, special statewide election.

APPROVED

090255 **[Final Map - 274 6th Avenue]**
Motion approving Final Map 5370, a 2 Lot Subdivision and 3 Residential Unit Condominium Project, located at 274 6th Avenue being a subdivision of Lot 027 in Assessors Block No. 1428 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,149; District 1.)

APPROVED

090437 **[Final Map - 1500 Sutter Street]**
Motion approving Final Map 4156, a 65 Commercial Unit Condominium Project, located at 1500 Sutter Street being a subdivision of Lot 005 in Assessors Block No. 0673 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,141; District 5.)

APPROVED

090438 **[Final Map - 2235 Mission Street]**
Motion approving Final Map 4706, a 6 Residential Unit and 1 Commercial Unit Mixed-Use Condominium Project, located at 2235 Mission Street being a subdivision of Lot 031 in Assessors Block No. 3590 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,142; District 9.)

APPROVED

090494 **[Final Map - 335 Berry Street]**

Motion approving Final Map 4328, a one-lot subdivision for condominium purposes, being a 67-unit residential condominium project of Lot 4 in Assessors Block No. 8707, located at 335 Berry Street, and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,112; District 6.)

APPROVED

090495 **[Final Map - 330 Berry Street]**

Motion approving Final Map 4329, a one-lot subdivision for condominium purposes, being a 64-unit residential condominium project of Lot 5 in Assessors Block No. 8704, located at 330 Berry Street, and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,113; District 6.)

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Elsbernd requested that these matters be severed so that they might be considered separately.

090482 **[Opposing Proposition 1D on the May 19, 2009, Statewide Special Election]**

Supervisors Avalos, Mar, Campos, Daly

Resolution opposing Proposition 1D on the May 19, 2009, Statewide Special Election.

Supervisor Elsbernd, seconded by Supervisor Avalos, moved to waive Board of Supervisors Rules of Order 2.11 (Committee Reference) was passed without objection.

Supervisors Daly and Campos requested to be added as co-sponsors.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 1 - Elsbernd

090486 **[Drug Enforcement Administration (DEA) raids on medical cannabis dispensaries]**
Supervisors Campos, Mirkarimi, Mar, Avalos, Daly

Resolution urging a cessation of recent Drug Enforcement Administration raids on medical cannabis dispensaries.

Supervisor Elsbernd, seconded by Supervisor Avalos, moved to waive Board of Supervisors Rules of Order 2.11 (Committee Reference) was passed without objection.

Supervisor Daly requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Chu, Elsbernd

Supervisor Dufty requested that this matter be severed so that it may be considered separately.

090535 **[Declaring Van Ness Avenue and Geary Boulevard Bus Rapid Transits as San Francisco's Top Federal Small Starts Funding Priority]**
Supervisors Dufty, Mar, Mirkarimi, Daly

Resolution declaring Van Ness Avenue Bus Rapid Transit and Geary Boulevard Bus Rapid Transit as San Francisco's top and sole priorities for Federal Small Starts Funding.

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Resolution declaring Van Ness Avenue Bus Rapid Transit and Geary Boulevard Bus Rapid Transit as San Francisco's top priority for Federal Small Starts Funding.

Supervisor Daly requested to be added as a co-sponsor.

Continued to May 12, 2009.

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved that this Resolution be CONTINUED AS AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

[Serious Injury Finding]
Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

Supervisor Mar, seconded by Supervisor Campos, moved ADOPTION of the Serious Injury finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090545 [Concurring in Declaration of Emergency]
Mayor, Supervisor Chiu

Motion concurring in the April 30, 2009 declaration of local emergency by the Mayor, and in the actions the declaration of emergency authorizes the City and its officers and employees to take to meet the emergency.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

PROPOSED RESOLUTIONS

090479 [Accept and Expend Grant - Mayor - $3,000,000]
Mayor, Supervisor Dufty

Resolution authorizing the Mayor of the City and County of San Francisco to accept and expend a grant from the U.S. Department of Housing and Urban Development for lead-based paint hazard reduction in a total amount not to exceed $3,000,000.

4/21/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

4/30/09, TRANSFERRED to Budget and Finance Subcommittee.

Supervisor Dufty requested to be added as a co-sponsor.

090497 [Appointment - Treasury Oversight Committee]

Resolution appointing Dr. Don Griffin, Ben Rosenfield, Joseph Grazioli, Todd Rydstrom, and Richard Sullivan, terms ending June 5, 2013, to the Treasury Oversight Committee. (Treasurer-Tax Collector)

4/22/09, RECEIVED AND ASSIGNED to Rules Committee.

090498 [Approval of a contract amendment with the University of the Pacific School of Dentistry in order to exercise a five year contract option to continue to provide dental services for residents of Laguna Honda Hospital]

Resolution authorizing the San Francisco Department of Public Health (DPH), to amend a contract in order to exercise a five year contract option with The University of the Pacific School of Dentistry for continued dental services at Laguna Honda Hospital for a new term of July 1, 2004 through June 30, 2014. (Public Health Department)

4/27/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090499 [Ratification of increases to prior professional service contracts for health and behavioral health services]

Resolution approving amendment to Resolution No. 702-06, which ratified prior professional service contracts for the San Francisco Department of Public Health for health and behavioral health services and approved three year extensions, to increase the total contract amounts and extend the terms of those contracts through December 31, 2010. (Public Health Department)

4/27/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:25 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

VOTES

MEETING MINUTES - DRAFT

Tuesday, May 12, 2009 2:00 PM

GOVERNMENT
DOCUMENTS DEPT

MAY 14 2009

SAN FRANCISCO
PUBLIC LIBRARY

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Chu, Campos, Dufty	Wednesday 1:30 PM
Budget and Finance Subcommittee Supervisors Avalos, Mirkarimi, Chu	Wednesday 11:00 AM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly, Alioto-Pier	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Campos, Mirkarimi, Alioto-Pier	1st and 3rd Monday 11:00 AM
Rules Committee Supervisors Daly, Chu, Campos	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:11 p.m. On the call of the roll, all Supervisors were noted present.

APPROVAL OF MEETING MINUTES

Supervisor Mar, seconded by Supervisor Mirkarimi, moved to approve the Board Meeting Minutes of April 14, 2009. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

CONSENT AGENDA

Recommendation of the Budget and Finance Subcommittee

090076 [Administrative Code - Establishing Fees under the Community Preservation and Blight Reduction Act]
Supervisor Avalos

Ordinance amending the San Francisco Administrative Code Chapter 80, Section 80.4, to authorize the Department of Public Works to charge a fee of $250 to cover the cost of inspecting blighted properties and to charge an increased fee to recover additional inspection costs incurred in enforcement of the Community Preservation and Blight Reduction Act; amending Section 80.8 to clarify that the Blight Abatement Fund is a Category Six special fund within the meaning of Administrative Code Title XIII, Section 10.100-1; and making environmental findings. (Public Works Department)

FINALLY PASSED

Recommendation of the Land Use and Economic Development Committee

090210 [Zoning Map Amendment - 2400 Irving Street]

Ordinance amending the San Francisco Planning Code by amending the Zoning Map of the City and County of San Francisco by amending Sheet ZN05 and Sheet SU05 to change the zoning classification of the northern portion of the property located at 2400 Irving Street, Block 1725, Assessor's Lot No. 053, from RH-2 (Residential House, Two-Family) to NC-2 (Small-Scale Neighborhood Commercial District) and include it within the Irving Street Restaurant & Fast Food Restricted Use SUD; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and Priorities of Planning Code Section 101.1(b). (Planning Department)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

From the Budget and Finance Subcommittee Without Recommendation

090093 [Solar Energy Agreements with Recurrent Energy]
Mayor, Supervisors Chu, Dufty, Alioto-Pier, Mar

Ordinance approving a 25-Year Power Purchase Agreement and Site Lease Agreement with RE-SFCITY1, LP (Recurrent), a wholly owned subsidiary of Recurrent Energy, to finance, construct, own, operate, and maintain a solar photovoltaic power plant on the rooftop of the North Storage Basin Reservoir and certain adjacent land on the Sunset Reservoir property located at the intersection of 24th Avenue and Ortega Street, San Francisco, and to sell all electricity generated by the project to the City acting through its Public Utilities Commission.

(Fiscal Impact.)
(Supervisor Campos dissented in Committee.)

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be RE-REFERRED. The motion FAILED by the following vote:

Ayes: 5 - Avalos, Campos, Chiu, Daly, Mirkarimi
Noes: 6 - Alioto-Pier, Chu, Dufty, Elsbernd, Mar, Maxwell

FINALLY PASSED by the following vote:
Ayes: 7 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 4 - Avalos, Campos, Daly, Mirkarimi

Recommendation of the City Operations and Neighborhood Services Committee

080322 [Prohibition on loitering outside nightclubs]
Mayor, Supervisors Maxwell, Dufty

Ordinance amending the San Francisco Police Code by adding Section 121, to prohibit loitering outside nightclubs.

Supervisor Dufty requested to be added as a co-sponsor.

FINALLY PASSED by the following vote:
Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 2 - Avalos, Daly

Recommendations of the Government Audit and Oversight Committee

Supervisor Chu Excused from Voting

Supervisor Elsbernd, seconded by Supervisor Dufty, moved. The motion carried by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Chu

090286 [Amending provisions of Chapter 18 of the Administrative Code to specify enforcement and consolidate reporting requirements]
Supervisor Mirkarimi

Ordinance adopting and implementing amendments to Secs. 18.13-1 and 18.13-5 of the San Francisco Administrative Code.

Supervisor Elsbernd moved to divide the question relating to "uniformed Fire Department employees" located on Page 1, Lines 21-23.

The question relating to the "uniformed Fire Department employees" was passed by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Chu

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090329 [Recreation and Park Department - Sharp Park]
Supervisors Mirkarimi, Daly, Campos, Avalos

Ordinance amending San Francisco Park Code Article 3 by adding Section 3.20, to require the Recreation and Park Department to develop a plan, schedule and budget for restoring Sharp Park habitat for the California red-legged frog and the San Francisco garter snake in conformance with the requirements of the Endangered Species Act, and transferring Sharp Park to, or developing a joint management agreement with, the Golden Gate National Recreation Area and making environmental findings.

(Fiscal Impact.)

Supervisor Avalos requested to be added as a co-sponsor.
FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Supervisor Chu Excused from Voting

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved. The motion carried by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Chu

090285 [Adoption of Board of Supervisors 2009 Budget Process and Policy Priorities]
Supervisors Mirkarimi, Avalos

Resolution adopting the San Francisco Board of Supervisors' 2009 Budget Process and Policy Priorities.

(Supervisor Chu dissented in Committee.)

Joanne Hayes-White, Fire Chief, provided an update on the Fire Department and responded to questions raised throughout the discussion.

Supervisor Dufty moved to divide the question relating to "Increase regular work time for firefighters, or schedule 'rolling brownouts' of fire stations" located on attachment Section I, No. 5.

The question relating to "Increase regular work time for firefighters, or schedule 'rolling brownouts' of fire stations" was passed by the following vote:
Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Dufty, Elsbernd
Excused: 1 - Chu

ADOPTED by the following vote:
Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

090476 [Rejecting the FY 2009-2010 Municipal Transportation Agency (MTA) Budget]
Supervisors Chiu, Campos, Mirkarimi, Mar, Daly, Avalos, Maxwell

Motion rejecting the Municipal Transportation Agency's (MTA) proposed FY 2009-2010 budget.

(Fiscal Impact.)
(Supervisor Chu dissented in Committee.)

Nathaniel Ford, MTA Executive Director/Chief Executive Officer, provided an update on the MTA budget and associated savings and responded to questions raised throughout the discussion.

Supervisor Chiu, seconded by Supervisor Chu, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 6 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell
Noes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi

Recommendations of the Budget and Finance Subcommittee

090328 [Eligibility Criteria for Community Living Fund]
Supervisors Mirkarimi, Mar, Avalos

Ordinance amending the San Francisco Administrative Code by amending Section 10.100-12, to establish a pilot program using the Elder Economic Security Index Fund as a factor for determining eligibility for the Community Living Fund.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090386 [Approval of Contract Modification No. 2 to Contract No. 350-30 between the City and County of San Francisco and DaimlerChrysler Commercial Buses North America Ltd. - $18,250,293.80]

Resolution approving Contract Modification No. 2 to Contract No. 350-30 between the City and County of San Francisco, through the San Francisco Municipal Transportation Agency, and DaimlerChrysler Commercial Buses North America Ltd., to replace the energy storage system in the entire 30-foot hybrid electric bus fleet from lead acid based batteries and controls to lithium-ion based batteries and controls with a five-year battery warranty, delete special tools that are no longer needed, and purchase training modules, at an additional cost of $1,075,524 for a total contract amount not to exceed $18,250,293.80. (Municipal Transportation Agency)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090387 [Approval of Contract Modification No. 4 to Contract No. 350 between the City and County of San Francisco and DaimlerChrysler Commercial Buses North America Ltd. - $32,223,133.25]

Resolution approving Contract Modification No. 4 to Contract No. 350 between the City and County of San Francisco, through the San Francisco Municipal Transportation Agency, and DaimlerChrysler Commercial Buses North America Ltd., to replace the energy storage system in the entire 40-foot hybrid electric bus fleet from lead acid based batteries and controls to lithium-ion based batteries and controls with a five-year battery warranty, at an additional cost of $2,520,000 for a total contract amount not to exceed $32,223,133.25. (Municipal Transportation Agency)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090370 [Amending PG&E Energy Conservation Revenue Contract]

Mayor

Resolution authorizing the Department of the Environment to amend a revenue contract with Pacific Gas and Electric Company ("PG&E") to add up to $3,700,000 and to further amend such contract up to an additional $3,000,000 to continue the Partnership Program between PG&E and the City and County of San Francisco for the Energy Use and Demand Reduction through Energy Efficiency Program.

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090479 [Accept and Expend - U.S. Department of Housing and Urban Development Grant - $3,000,000]

Mayor, Supervisor Dufty

Resolution authorizing the Mayor of the City and County of San Francisco to retroactively accept and expend a grant from the U.S. Department of Housing and Urban Development for lead-based paint hazard reduction in a total amount not to exceed $3,000,000.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Avalos, seconded by Supervisor Campos, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Avalos introduced, welcomed, and presented a Certificate of Honor to John Ross in recognition of his accomplishments as a journalist and his continued community activism.

Supervisor Campos introduced, welcomed, and presented a Certificate of Honor to Lizzie Brown Jeremi in recognition of her 35 years of service at Marshall Elementary School upon her retirement.

SPECIAL ORDER 4:00 P.M.

090109 [Public Hearing - Appeal of Categorical Exemption from Environmental Review for 717 Battery Street/350 Pacific Avenue]

Hearing of persons interested in or objecting to the decision of the Planning Department's determination dated December 19, 2008, that a project at 717 Battery Street/350 Pacific Avenue (Case No. 2007.1460E) (Building Permit Application Nos. 2003.02.12.7271; 2005.04.21.0598 (UMB retrofit); and 2005.0321.8084 (two-story vertical addition)) is exempt from environmental review under Categorical Exemption, Class 32 [State CEQA Guidelines, Section 15332]. The proposal would add to and rehabilitate the Musto Building, to expand the existing office use and provide ground-floor commercial and restaurant space. The project site (Assessor's Block 0165, Lot 022) is within a C-2 (Community Business) Use District, and in a 65-A Height and Bulk District, and in a Special Use District-the Washington-Broadway Special Use District No. 2. (Appellant: Susan Brandt-Hawley on behalf of San Francisco Preservation Action.)

(Filed January 30, 2009; Companion to Files 090110, 090111, 090112; District 3.)

The President inquired as to whether any member of the public wished to address the Board members. There were none.
The President declared the public hearing closed.

Continued to July 7, 2009.

Supervisor Alioto-Pier, seconded by Supervisor Mar, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

(Only one of the following two motions should be approved.)

090110 [Affirming the Categorical Exemption issued for the 717 Battery Street/350 Pacific Avenue project]

Motion affirming the determination by the Planning Department that the 717 Battery Street/350 Pacific Avenue project is categorically exempt from environmental review under the California Environmental Quality Act.

Continued to July 7, 2009.

Supervisor Alioto-Pier, seconded by Supervisor Mar, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090111 [Disapproving the Categorical Exemption issued for the 717 Battery Street/350 Pacific Avenue project]

Motion disapproving the determination by the Planning Department that the 717 Battery Street/350 Pacific Avenue project is categorically exempt from environmental review under the California Environmental Quality Act.

Continued to July 7, 2009.

Supervisor Alioto-Pier, seconded by Supervisor Mar, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090112 [Preparation of findings related to the 717 Battery Street/350 Pacific Avenue project]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 717 Battery Street/350 Pacific Avenue is exempt from environmental review under the California Environmental Quality Act.

Continued to July 7, 2009.

Supervisor Alioto-Pier, seconded by Supervisor Mar, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMITTEE REPORTS

090526 [Waiver of temporary street space occupancy fee on May 16, 2009, for Small Business Week Sidewalk Sale]

Mayor, Supervisor Dufty

Ordinance waiving the fee in Public Works Code Section 724.1(b) for temporary street space occupancy in certain sections of the City on Saturday, May 16, 2009, as part of Small Business Week.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Chiu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 2 - Campos, Chu

Supervisor Chu, seconded by Supervisor Maxwell, moved to rescind the previous vote. The motion to rescind the previous vote passed without objection.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090504 [Reappointment, Arts Commission - Cass Calder Smith]

Motion approving the Mayor's reappointment of Cass Calder Smith to the Arts Commission for the term ending January 15, 2013.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – April 14, 2009.)

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos

090506 **[Reappointment, Arts Commission - John Calloway]**

Motion approving the Mayor's reappointment of John Calloway to the Arts Commission for the term ending January 15, 2013.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – April 14, 2009.)

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos

090508 **[Appointment, Arts Commission - Amy Chuang]**

Motion approving the Mayor's appointment of Amy Chuang to the Arts Commission for the term ending January 15, 2013.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date – April 14, 2009.)

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos

090510 **[Appointment, Arts Commission - Leo Chow]**

Motion approving the Mayor's appointment of Leo Chow to the Arts Commission for the term ending January 15, 2011.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date – April 14, 2009.)

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Campos

090512 **[Reappointment, Retirement Systems Board - Richard Peterson, Jr.]**
Supervisor Elsbernd

Motion approving the Mayor's reappointment of Richard Peterson, Jr. to the Retirement Systems Board for the term ending February 20, 2013.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – April 14, 2009.)

Supervisor Elsbernd requested to be added as sponsor.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090514 [Appointment, Commission on the Status of Women - Julie Soo]

Motion approving the Mayor's appointment of Julie Soo to the Commission on the Status of Women for the term ending April 13, 2012.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date – April 14, 2009.)

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megaheed; expressed concerns with issues relating to peace in the Middle East.
James Chaffee; expressed concern with issues relating to the SF Public Library.
Michael Barrett; expressed concern with issues relating to MUNI proof of payment.
Jean Cohen; Martino Molina; all expressed concern with issues relating to social service programs and potential State budget cuts.
Louise Vaughn; expressed concern with issues relating to homeowners bailout.
Wendy Bolker; Female Speaker; Heather Young; Robin Cropp; all expressed concern with issues relating to lyme disease.
John DiDonna; expressed concern with issues relating to guns.
Paul Weston; expressed concern with issues relating to St. Vincent de Paul's negligence.
Merle Lawrence; expressed concern with issues relating to budget.
Male Speaker; expressed concern with issues relating to bus service cuts.
Male Speaker; expressed concern with issues relating to the Rockefellers.
Male Speaker; expressed concern with issues relating to Prop A and budget problems.
Paula Brown; expressed concern with issues relating to human services and solving child homicides and violence in the community.
Male Speaker; expressed concern with issues relating to public process and Western Addition budget.

CLOSED SESSION

090566 [Closed Session - Update on labor negotiations concerning City workers from the Mayor's Office and the Department of Human Resources]

Supervisor Chiu

Motion that the Board of Supervisors convene in closed session on May 12, 2009, with the Mayor's Office and the Department of Human Resources concerning negotiations with labor unions representing City workers.

This closed session is permitted by Government Code Section 54957.6 and San Francisco Administrative Code Section 67.10(e).

APPROVED.

The Board recessed at the hour of 4:54 p.m. to convene in closed session pursuant to the above motion.

The following Supervisors were noted present:
Supervisors Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Persons in attendance:
Cheryl Adams, Deputy City Attorney
Micki Callahan, Director of Department of Human Resources
Martin Gran, Director of Employee Relations
Ben Rosenfield, Controller
Angela Calvillo, Clerk of the Board
Rick Caldeira, Legislative Deputy Director

Reconvening of the Board

The following Supervisors were noted present:
Supervisors Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

The Board at the hour of 5:20 p.m. reconvened.

Matter was heard in Closed Session and Filed.

[Elect Not to Disclose]
Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations.

Supervisor Dufty, seconded by Supervisor Campos, moved not disclose its Closed Session deliberations. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

090565 [Update on labor negotiations concerning City workers from the Mayor's Office and the Department of Human Resources]
Supervisor Chiu

Motion that the Board of Supervisors convene in closed session on May 12, 2009, with the Mayor's Office and the Department of Human Resources concerning negotiations with labor unions representing City workers.

APPROVED

090535 [Declaring Van Ness Avenue and Geary Boulevard Bus Rapid Transits as San Francisco's Top Federal Small Starts Funding Priority]
Supervisors Dufty, Mar, Mirkarimi, Daly

Resolution declaring Van Ness Avenue Bus Rapid Transit and Geary Boulevard Bus Rapid Transit as San Francisco's top priority for Federal Small Starts Funding.

ADOPTED

090560 [Proclaiming May 17-23, 2009, as Public Works Week in San Francisco]
Supervisors Chiu, Dufty

Resolution declaring May 17-23, 2009, as Public Works Week in San Francisco; acknowledging that the San Francisco Department of Public Works is an integral part of the community and has produced significant achievements; encouraging all San Francisco residents and businesses to work in collaboration with the department.

ADOPTED

090561 [Issuance and Sale of Revenue Bonds - 178 Townsend Street Housing Project]
Supervisor Daly

Resolution approving the issuance and sale of tax-exempt bonds by the Association of Bay Area Governments for Nonprofit Corporations in an aggregate principal amount not to exceed $30,000,000 for financing the rehabilitation of a housing project located at 178 Townsend Street, subject to the policies for such approvals adopted by the Board of Supervisors in Ordinance No. 36-07.

ADOPTED

090562 [Richmond/Senator Milton Marks Branch Library grand re-opening]
Supervisors Mar, Campos, Elsbernd

Resolution recognizing the grand re-opening of the Richmond/Senator Milton Marks Branch Library and commending the San Francisco Public Library and its team for their hard work and commitment to San Francisco and its residents.

Supervisors Campos and Elsbernd requested to be added as co-sponsors.
ADOPTED

090563 [Commending Superior Court Judge John Dearman for his 31 years of distinguished service to the City and County of San Francisco]
Supervisors Dufty, Maxwell, Campos

Resolution commending Superior Court Judge John Dearman for his 31 years of distinguished service to the City and County of San Francisco.

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

090564 [Urging the Controller's Office to undertake a performance audit of the J Church Metro line]
Supervisors Dufty, Avalos

Resolution urging the Controller's Office to undertake a performance audit of the J Church Metro line.

ADOPTED

090559 [Authorization for designated City and County officials to obtain federal financial assistance provided by the Department of Homeland Security]
Supervisor Alioto-Pier

Resolution authorizing designated City and County officials to execute and file on behalf of the City and County of San Francisco, a public entity established under the law of the State of California, any applications or agreements and to take any actions necessary to obtain federal financial assistance provided by the federal Department of Homeland Security and sub-granted through the State of California, including the following grants: Emergency Management Performance Grant, Hazard Mitigation Grant, Pre-Disaster Mitigation Grant, and Emergency Operations Center Grant.

ADOPTED

The foregoing items were acted upon by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Alioto-Pier

Supervisor Dufty, seconded by Supervisor Elsbernd, moved to rescind the previous vote. The motion to rescind the previous vote passed without objection.

The foregoing items were acted upon by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

090501 [Settlement of Lawsuits - Transdyn/Cresci Joint Venture totaling $5,923,143.27]

Ordinance authorizing settlement of lawsuits filed by Transdyn/Cresci Joint Venture ("Joint Venture") against the City and County of San Francisco (the "City") seeking an unspecified amount of damages; the first lawsuit was filed by JMB Construction, Inc. against the Joint Venture on May 28, 2003 as JMB Construction, Inc. v. Transdyn/Cresci Joint Venture et al. Various cross-actions were filed, including an action filed by the Joint Venture against the City. The actions were coordinated as the SCADA cases in Alameda County Superior Court, JCCP 004364. The action between the Joint Venture and the City went to trial. The jury awarded a net judgment to the Joint Venture, and the trial court entered judgment (including costs) against the City in the amount of $4,874,200.16. Cross-appeals were filed by both the Joint Venture and the City. The material terms of this settlement are: 1) The City will pay a total of $4,973,143.27 to the Joint Venture for the judgment and interest on the judgment; and 2) The City will pay $950,000 to settle all remaining issues, including the Joint Venture's claim for attorney's fees. (City Attorney)

5/5/09, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

090500 [Approval of settlement for 800 MHz reconfiguration with Sprint/Nextel]

Resolution approving a settlement of a claim by the City and County of San Francisco against the Sprint/Nextel Corporation (Sprint) for the reconfiguration of the City's 800 MHz Radio Communications System. (City Attorney)

5/1/09, RECEIVED AND ASSIGNED to Rules Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 6:26 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

VOTES

MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT

MAY 21 2009

SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, May 19, 2009 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Chu, Campos, Dufty	Wednesday 1:30 PM
Budget and Finance Subcommittee Supervisors Avalos, Mirkarimi, Chu	Wednesday 11:00 AM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly, Alioto-Pier	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Campos, Mirkarimi, Alioto-Pier	1st and 3rd Monday 11:00 AM
Rules Committee Supervisors Daly, Chu, Campos	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:13 p.m. On the call of the roll, all Supervisors were noted present.

Supervisor Alioto-Pier was noted absent at 4:06 p.m.
Supervisor Daly was noted absent at 4:41 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved to approve the Board Meeting Minutes of April 21, 2009, and April 28, 2009. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

CONSENT AGENDA

Recommendations of the City Operations and Neighborhood Services Committee

090526 **[Waiver of temporary street space occupancy fee on May 16, 2009, for Small Business Week Sidewalk Sale]**

Mayor, Supervisor Dufty

Ordinance waiving the fee in Public Works Code Section 724.1(b) for temporary street space occupancy in certain sections of the City on Saturday, May 16, 2009, as part of Small Business Week.

FINALLY PASSED

090478 **[Accept and Expend - Department of Public Health Grant - $402,342]**

Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH), to accept and expend a grant in the amount of $402,342 from the Centers for Disease Control and Prevention (CDC) to support the Medical Monitoring Project (MMP); for the period of June 1, 2009, through May 31, 2010.

ADOPTED

Recommendations of the Rules Committee

090503 [Appointments, Reentry Council - Tommy Escarcega, Mary Campbell, Gerald Miller and ShaMauda Bishop]

Motion appointing Tommy Escarcega, Mary Campbell, Gerald Miller and ShaMauda Bishop, terms to be determined, to the Reentry Council, residency requirement waived.

Tommy Escarcega, seat 1, new appointment, must be a former inmate in the San Francisco County Jail, a California Department of Corrections and Rehabilitation facility and/or a United States Bureau of Prison facility, for a two-year term to be determined.
Mary Campbell, Seat 2, new appointment, must be a former inmate in the San Francisco County Jail, a California Department of Corrections and Rehabilitation facility and/or a United States Bureau of Prison facility, for a two-year term to be determined.
Gerald Miller, seat 3, new appointment, must be a former inmate in the San Francisco County Jail, a California Department of Corrections and Rehabilitation facility and/or a United States Bureau of Prison facility, for a two-year term to be determined.
ShaMauda Bishop, seat 4, new appointment, must be a former inmate in the San Francisco County Jail, a California Department of Corrections and Rehabilitation facility and/or a United States Bureau of Prison facility, for a two-year term to be determined.

APPROVED

090516 [Appointments, Eastern Neighborhoods Citizens Advisory Committee]

Motion appointing Keith Goldstein, Eric Smith, Susan Eslick, Jared Doumani, Chris Durazo, David Ho, Chris Block, Eric Quezada, terms to be determined by lot, to the Eastern Neighborhoods Citizens Advisory Committee, residency requirement waived.

Keith Goldstein, seat 1, new appointment, must be nominated by District 10 Supervisor and confirmed by the full Board for term to be determined by lot.
Eric Smith, seat 2, new appointment, must be nominated by District 10 Supervisor and confirmed by the full Board for term to be determined by lot.
Susan Eslick, seat 3, new appointment, must be nominated by District 10 Supervisor and confirmed by the full Board for term to be determined by lot.
Jared Doumani, seat 4, new appointment, must be nominated by District 10 Supervisor and confirmed by the full Board for term to be determined by lot.
Chris Durazo, seat 5, new appointment, must be nominated by District 6 Supervisor and confirmed by the full Board for term to be determined by lot.
David Ho, seat 6, new appointment, must be nominated by District 6 Supervisor and confirmed by the full Board for term to be determined by lot.
Chris Block, seat 7, new appointment, must be nominated by District 8 Supervisor and confirmed by the full Board for term to be determined by lot.
Eric Quezada, seat 8, new appointment, must be nominated by District 9 Supervisor and confirmed by the full Board for term to be determined by lot.

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Subcommittee

090287 [State Video Franchise Holders]
Supervisors Mirkarimi, Daly, Avalos

Ordinance amending the San Francisco Administrative Code by: (1) amending Section 11.1 and adding Section 11.28-A, to establish a fee for state video franchise holders offering services in San Francisco to support public, educational, and government channel facilities and activities; and (2) amending Section 11.1 and adding Section 11.83-A, to establish penalties for violation of customer service and consumer protection standards by state video franchise holders.

(Supervisor Chu dissented in Committee.)

Supervisor Avalos requested to be added as a co-sponsor.

Supervisor Mirkarimi, seconded by Supervisor Mar, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

090328 [Eligibility Criteria for Community Living Fund]
Supervisors Mirkarimi, Mar, Avalos

Ordinance amending the San Francisco Administrative Code by amending Section 10.100-12, to establish a pilot program using the Elder Economic Security Index Fund as a factor for determining eligibility for the Community Living Fund.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

NEW BUSINESS

Recommendations of the Budget and Finance Committee

090405 [Accept and Expend - Emergency Shelter Grants Program - $979,606]
Mayor

Resolution approving the fiscal year 2009/2010 Emergency Shelter Grant (ESG) Program; and authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's fiscal year 2009/2010 Emergency Shelter Grant Program entitlement from the U.S. Department of Housing and Urban Development (HUD) in the amount of $938,867 and to expend Reprogrammed Funds in the amount of $40,739.

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090406 [Accept and Expend - HOME Program - $8,602,628]
Mayor

Resolution approving the fiscal year 2009/2010 HOME Investment Partnership (HOME) Program; and authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's fiscal year 2009/2010 HOME Program entitlement from the U.S. Department of Housing and Urban Development (HUD) in the amount of $8,602,628.

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090407 [Accept and Expend - Community Development Block Grant (CDBG) - $23,072,426]
Mayor

Resolution approving the fiscal year 2009/2010 Community Development Block Grant (CDBG) Program; authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's fiscal year 2009/2010 Community Development Block Grant Program entitlement from the U.S. Department of Housing and Urban Development (HUD) in the amount of $21,092,426 and to expend Program Income and Reprogrammed Funds in the amount of $1,980,000.

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090572 [Rejecting the FY 2009-2010 Municipal Transportation Agency (MTA) Budget]
Supervisors Chiu, Campos, Mirkarimi, Mar, Daly, Avalos, Maxwell

Motion rejecting the Municipal Transportation Agency's (MTA) proposed FY 2009-2010 budget.

(Fiscal Impact.)
(Supervisors Chu and Dufty dissented in Committee.)

Nathaniel Ford, MTA Executive Director/Chief Executive Officer, provided an update on the MTA budget and associated adjustments and policies and responded to questions raised throughout the discussion.

Continued to May 27, 2009 (Special Meeting, Wednesday, at 12:00 p.m.).

Supervisor Mirkarimi, seconded by Supervisor Daly, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Recommendation of the Budget and Finance Subcommittee

090450 [Approval of Sheriff's Contract for Jail Commissary and Inmate Trust Fund Accounting & Management System with ARAMARK Correctional Services, LLC]

Resolution approving a contract for operating the Sheriff's Jail Commissary and Inmate Trust Fund Accounting & Management System, between ARAMARK Correctional Services, LLC. (ARAMARK), and the City and County of San Francisco, acting by and through its Sheriff's Department. (Sheriff)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

081600 [Closing Potrero Power Plant and updating the Electricity Resource Plan]
Supervisors Maxwell, Alioto-Pier

Ordinance establishing City policy to take all feasible steps to close the entire Potrero Power Plant as soon as possible and urging the Public Utilities Commission to immediately prepare a plan to close the Potrero Power Plant; and establishing clean energy goals; and urging the Public Utilities Commission to update the Electricity Resource Plan.

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Ordinance establishing City policy to take all feasible steps to close the entire Potrero Power Plant as soon as possible and urging the Public Utilities Commission to immediately prepare a plan to close the Potrero Power Plant; and urging the Public Utilities Commission to update the Electricity Resource Plan.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090421 [Administrative Code Revision to Allow Renewal of Contracts for Local Rent Supplement Program]
Mayor

Ordinance amending Chapter 24A of the Administrative Code "Administrative Structure Local Rent Supplement Program in the Office of the Mayor," Section 24A.08, related to the definition of Qualified Tenant to delete an out-dated tenant eligibility requirement; and amending Section 24A.10 related to the Term of Contract to extend the term of Rent Supplement Contracts for 10 years beginning April 1, 2009.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090474 [Divided ownership of Real Ownership Opportunities for Tenants (ROOTS) program projects comprised of separate legal parcels]
Supervisor Chiu

Ordinance amending San Francisco Board of Supervisors Ordinance No. 34-07 by permitting projects that are the subject of Real Ownership Opportunities for Tenants (ROOTS) program grants to be comprised of separate legal parcels.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090475 [Exceptions to Seismic Safety Loan Program requirements to amend loan to 53 Columbus Avenue]
Supervisor Chiu

Ordinance approving exceptions to requirements under San Francisco Administrative Code Sections 66 and 66A and the Seismic Safety Loan Program Regulations, dated May 2006, adopted by the Board of Supervisors through Ordinance No. 122-06, to amend an existing Seismic Safety Loan Program ("SSLP") loan for a project at 53 Columbus Avenue, San Francisco, California, to allow for cooperative housing and a transfer of the commercial portion of the project improvements.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Rules Committee

090199 [Conflict of Interest Code Amendments]
Supervisor Daly

Ordinance amending Chapter 1 of Article III of the Campaign and Governmental Conduct Code by amending sections 3.1-110, 3.1-120, 3.1-140, 3.1-145, 3.1-150, 3.1-155, 3.1-165, 3.1-175, 3.1-195, 3.1-207, 3.1-218, 3.1-240, 3.1-251, 3.1-253, 3.1-267, 3.1-275, 3.1-280, 3.1-285, 3.1-315, 3.1-320, 3.1-340, 3.1-345, 3.1-362, 3.1-365, 3.1-395, 3.1-410, 3.1-415, 3.1-420, 3.1-422, 3.1-435, 3.1-460, deleting sections 3.1-193, 3.1-300, 3.1-350, 3.1-417, 3.1-425, and adding sections 3.1-158, 3.1-268, 3.1-350, 3.1-400 to update the list of designated employees who must file financial disclosure statements and to modify the applicable disclosure categories.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090394 **[Settlement of Lawsuit - San Francisco Pier 33 LLC - $225,000]**

Ordinance authorizing settlement of the lawsuit filed by San Francisco Pier 33 LLC against the City and County of San Francisco for $225,000; the lawsuit was filed on July 9, 2007, in San Francisco County Superior Court, Case No. CGC 07-464954; entitled San Francisco Pier 33 LLC v. City and County of San Francisco, et al.; other material terms of said settlement are agreement to amend plaintiff's lease of San Francisco Port Commission property to expand permissible uses, allow for certain sign replacements, and provide right of first refusal to enter into five-year lease of the property beginning June 13, 2014. (City Attorney)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090455 **[Settlement of Claim - Marsanne Weese - $26,974.20]**

Resolution approving the settlement of the unlitigated claim submitted by Marsanne Weese against the City and County of San Francisco for $26,974.20; claim was submitted on September 26, 2008. (City Attorney)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090470 **[Appointment, Entertainment Commission - Nicky Calma]**

Motion approving the Mayor's nomination for appointment of Nicky Calma to the Entertainment Commission, for the unexpired portion of a four-year term ending July 1, 2009. (Clerk of the Board)

(Section 4.117 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date – 4/14/09.)

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Alioto-Pier introduced, welcomed, and presented Certificates of Honor to Tim Stannard, Mark Sullivan, Andrew Green (Spruce Restaurant); Nate Appleman, Shelley Lindgrem, Liza Shaw, Victoria Libin (A16 & SPQR Restaurants); Annette Yang, Brian Leitner (Netties Crab Shack); and Robert Wellbeloved, Alexander Ong (Betelnut Restaurant) in recognition of making the San Francisco Chronicle's "Top 100 Bay Area Restaurants."

Supervisor Dufty introduced, welcomed, and presented a Certificate of Honor to Judge John Dearman in recognition of 32 years of service upon his retirement and for being a community leader and role model.

Supervisor Campos introduced, welcomed, and presented a Certificate of Honor to Luis Angel Bautista Gonzalez in recognition of his accomplishments and for being selected as a Junior National Scholar Leader.

Supervisor Campos introduced, welcomed, and presented a Certificate of Honor to Roberto Hernandez in recognition of his contributions to the San Francisco LGBT community.

Supervisor Mar introduced, welcomed, and presented a Certificate of Honor to Marcia Jarmel and Ken Schneider (Patchwork Films) in recognition of their innovative and award winning films.

Supervisor Chiu introduced, welcomed, and presented a Certificate of Honor to the Department of Public Works for their services and in recognition of Public Works Week (May 17-23, 2009) in San Francisco.

COMMITTEE REPORTS

090550 [Authorizing submittal of application for Transit Oriented Development (TOD) Funds]
Mayor, Supervisor Dufty

Resolution authorizing the submittal of an application by the Mayor's Office of Housing to the California State Department of Housing and Community Development for funding under the Transit Oriented Development (TOD) housing program; the execution of a standard agreement if selected for such funding and any amendments thereto; and any related documents necessary to participate in the Transit Oriented Development (TOD) housing program.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

James Chaffee; expressed concern with issues relating to the SF Public Library.
Male Speaker; expressed concerns with various religious issues.
Female Speaker; expressed concern with issues relating to park naming.
Male Speaker; expressed concern with issues relating to alcohol and Bay to Breakers race.
Walter; shared in song certain issues with the Board.
Dirk Meyheart; expressed concern with issues relating to park naming.
Male Speaker; expressed concern with issues relating to Department of Public Health.
Female Speaker; expressed concern with issues relating to park landscaping.
Female Speaker; expressed concern with issues relating to lyme disease.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

090591 [Lyme Disease Awareness Month - May 2009]
Supervisors Alioto-Pier, Dufty, Campos

Resolution declaring May 2009 as Lyme Disease Awareness Month.

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

090592 [Opposing the elimination of the State Department of Boating and Waterways]
Supervisor Alioto-Pier

Resolution opposing Governor Arnold Schwarzenegger's proposed elimination of the California Department of Boating and Waterways (DBW).

ADOPTED

090593 [Commending Community Behavioral Health Services (CBHS)]
Supervisors Avalos, Campos

Resolution commending Community Behavioral Health Services (CBHS) on its exemplary work implementing the Mental Health Services Act (MHSA).

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

090594 **[Supporting recognition of married same-sex couples in the 2010 Census.]**
Mayor, Supervisors Dufty, Mirkarimi, Mar, Elsbernd, Campos, Alioto-Pier, Chiu, Avalos

Resolution calling for the recognition of legally married same-sex couples in the 2010 Census and for federal agencies to include lesbian, gay, bisexual and transgender individuals in all federal surveys and data collection.

Supervisor Avalos requested to be added as a co-sponsor.
ADOPTED

090577 **[Final Map - 7 Casa Way]**
Motion approving Final Map 4306, a Five Unit Residential Condominium Conversion Project, located at 7 Casa Way being a subdivision of Lot No. 014 in Assessors Block No. 0418A and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,162; District 2.)

APPROVED

090578 **[Final Map - 3148-3150 Geary Boulevard]**
Motion approving Final Map 5031, a Seven Unit Residential and One Commercial Mixed-Use Condominium Project, located at 3148–3150 Geary Boulevard being a subdivision of Lot No. 028 in Assessors Block No. 1066 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,163; District 2.)

APPROVED

The foregoing items were acted upon by the following vote:
Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 2 - Alioto-Pier, Daly

IMPERATIVE AGENDA

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

090575 **[Hunters View - Street Vacation Order]**
Ordinance ordering the vacation of portions of Fairfax Avenue and West Point Road and various public service easements; making environmental findings and findings of consistency with the City's General Plan and the priority policies of Planning Code Section 101.1; quitclaiming the City's interest in the vacation areas; reserving easement rights for various utilities, including AT&T, Pacific Gas and Electric Company, and the City; reserving temporary private access easement to adjacent owner; accepting Department of Public Works Order No. 178,144; and authorizing official acts in connection with this Ordinance. (Public Works Department)

5/5/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090595 **[Settlement of Lawsuit - Daniel Alvarenga - $82,500]**

Ordinance authorizing settlement of the lawsuit filed by Daniel Alvarenga against the City and County of San Francisco for $82,500; the lawsuit was filed on May 11, 2007, in the United States District Court for the Northern District of Illinois, Case No. C07-02526 MEJ, entitled Daniel Alvarenga v. City and County of San Francisco et al. (City Attorney)

5/13/09, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

090573 **[Approving Modification to the Cooperative Agreement between the Treasure Island Development Authority and the U.S. Navy]**

Resolution approving and authorizing the Treasure Island Development Authority to enter into a Modification to the Cooperative Agreement with the U.S. Navy to extend the Cooperative Agreement from October 1, 2009, to September 30, 2010. (Treasure Island Development Authority)

5/5/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090574 **[Hunters View - Resolution of Intent for Street Vacation]**

Resolution declaring the intention of the Board of Supervisors to vacate portions of Fairfax Avenue and West Point Road and various public service easements in the Hunters View Project; setting a hearing date for all persons interested in the proposed vacation of said street areas. (Public Works Department)

5/5/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090579 **[Approval of three contracts for the Department of Public Health totaling $84,322,248]**

Resolution authorizing the San Francisco Department of Public Health to enter into three contracts providing mental health and substance abuse counseling services for clients enrolled in the CalWORK's Welfare to Work Program; integrated substance abuse, mental health and medical services for clients in the Opiate Treatment Program; and fiscal intermediary services related to the San Francisco Mental Health Plan's for Community Behavioral Health Services (CBHS), Residential Care Facilities, Private Provider Network, Mental Health Wraparound Services, and Department's Housing and Urban Health's Emergency Housing Program for the terms of July 1, 2009, through June 30, 2013, and July 1, 2009, through June 30, 2012. (Public Health Department)

5/8/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:45 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

VOTES

MEETING MINUTES - DRAFT

Wednesday, May 27, 2009 12:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Special Meeting

GOVERNMENT
DOCUMENTS DEPT

MAY 2 8 2009

SAN FRANCISCO
PUBLIC LIBRARY

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Chu, Campos, Dufty	Wednesday 1:30 PM
Budget and Finance Subcommittee Supervisors Avalos, Mirkarimi, Chu	Wednesday 11:00 AM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly, Alioto-Pier	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Campos, Mirkarimi, Alioto-Pier	1st and 3rd Monday 11:00 AM
Rules Committee Supervisors Daly, Chu, Campos	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 12:10 p.m. On the call of the roll, Supervisor Alioto-Pier was noted absent. There was a quorum.

Supervisor Alioto-Pier was noted present at 12:24 p.m.

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

090572 [Rejecting the FY 2009-2010 Municipal Transportation Agency (MTA) Budget]
Supervisors Chiu, Campos, Mirkarimi, Mar, Daly, Avalos, Maxwell

Motion rejecting the Municipal Transportation Agency's (MTA) proposed FY 2009-2010 budget.

(Fiscal Impact.)
(Supervisors Chu and Dufty dissented in Committee.)

Tom Nolan, MTA Chairman of the Board of Directors, and Nathaniel Ford, MTA Executive Director/Chief Executive Officer, provided information relating to the MTA budget, service levels, and associated policies and responded to questions raised throughout the discussion.

NOT APPROVED by the following vote:
Ayes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi
Noes: 6 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 12:50 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

Tuesday, June 2, 2009 2:00 PM

GOVERNMENT
DOCUMENTS DEPT

JUN - 4 2009

SAN FRANCISCO
PUBLIC LIBRARY

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Chu, Campos, Dufty	Wednesday 1:30 PM
Budget and Finance Subcommittee Supervisors Avalos, Mirkarimi, Chu	Wednesday 11:00 AM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly, Alioto-Pier	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Campos, Mirkarimi, Alioto-Pier	1st and 3rd Monday 11:00 AM
Rules Committee Supervisors Daly, Chu, Campos	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:03 p.m. On the call of the roll, Supervisor Dufty was noted absent. There was a quorum.

Supervisor Dufty was noted present at 3:04 p.m.

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved to rescind the votes on Items 1 through 24, and Items 26 through 34. The motion passed without objection.

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Avalos, moved to approve the Board Meeting Minutes of May 5, 2009, and May 12, 2009. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Dufty

COMMUNICATIONS

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of correspondence from the Mayor on June 1, 2009, communicating the Mayor's notice to the Board of Supervisors under Charter Section 4.132 of a transfer of function between departments within the executive branch. That such reorganization shall become effective 30 days after its issuance unless disapproved by the Board of Supervisors.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

090542 [Proposition J Contract/Certification of Specified Contracted-Out Services Previously Approved for Enterprise Departments]

Resolution concurring with the Controller's certification that services previously approved can be performed by private contractor for a lower cost than similar work performed by City and County employees, for the following services: employee and public parking management services, information booth services, security services, and shuttle bus services (Airport); paratransit services, security services, parking citation and collection, janitorial - various facilities, meter collection and coin counting, towing services, and transit shelter maintenance services (MTA); janitorial and security services (Port). (Mayor)

ADOPTED

Recommendation of the Budget and Finance Subcommittee

090549 [Accept and Expend - State of California CalHome Grant - Fiscal Year 2009]

Mayor

Resolution authorizing the Mayor of the City and County of San Francisco to accept and expend a grant from the California Department of Housing and Community Development (HCD) in a total amount not to exceed $1,500,000 to assist low income first time homebuyers and low income homeowners.

ADOPTED

Recommendations of the Land Use and Economic Development Committee

090421 [Administrative Code Revision to Allow Renewal of Contracts for Local Rent Supplement Program]

Mayor

Ordinance amending Chapter 24A of the Administrative Code "Administrative Structure Local Rent Supplement Program in the Office of the Mayor," Section 24A.08, related to the definition of Qualified Tenant to delete an out-dated tenant eligibility requirement; and amending Section 24A.10 related to the Term of Contract to extend the term of Rent Supplement Contracts for 10 years beginning April 1, 2009.

FINALLY PASSED

090474 [Divided ownership of Real Ownership Opportunities for Tenants (ROOTS) program projects comprised of separate legal parcels]

Supervisor Chiu

Ordinance amending San Francisco Board of Supervisors Ordinance No. 34-07 by permitting projects that are the subject of Real Ownership Opportunities for Tenants (ROOTS) program grants to be comprised of separate legal parcels.

FINALLY PASSED

090475 **[Exceptions to Seismic Safety Loan Program requirements to amend loan to 53 Columbus Avenue]**
Supervisor Chiu

Ordinance approving exceptions to requirements under San Francisco Administrative Code Sections 66 and 66A and the Seismic Safety Loan Program Regulations, dated May 2006, adopted by the Board of Supervisors through Ordinance No. 122-06, to amend an existing Seismic Safety Loan Program ("SSLP") loan for a project at 53 Columbus Avenue, San Francisco, California, to allow for cooperative housing and a transfer of the commercial portion of the project improvements.

FINALLY PASSED

Recommendations of the Rules Committee

090199 **[Conflict of Interest Code Amendments]**
Supervisor Daly

Ordinance amending Chapter 1 of Article III of the Campaign and Governmental Conduct Code by amending sections 3.1-110, 3.1-120, 3.1-140, 3.1-145, 3.1-150, 3.1-155, 3.1-165, 3.1-175, 3.1-195, 3.1-207, 3.1-218, 3.1-240, 3.1-251, 3.1-253, 3.1-267, 3.1-275, 3.1-280, 3.1-285, 3.1-315, 3.1-320, 3.1-340, 3.1-345, 3.1-362, 3.1-365, 3.1-395, 3.1-410, 3.1-415, 3.1-420, 3.1-422, 3.1-435, 3.1-460, deleting sections 3.1-193, 3.1-300, 3.1-350, 3.1-417, 3.1-425, and adding sections 3.1-158, 3.1-268, 3.1-350, 3.1-400 to update the list of designated employees who must file financial disclosure statements and to modify the applicable disclosure categories.

FINALLY PASSED

090394 **[Settlement of Lawsuit - San Francisco Pier 33 LLC - $225,000]**
Ordinance authorizing settlement of the lawsuit filed by San Francisco Pier 33 LLC against the City and County of San Francisco for $225,000; the lawsuit was filed on July 9, 2007, in San Francisco County Superior Court, Case No. CGC 07-464954; entitled San Francisco Pier 33 LLC v. City and County of San Francisco, et al.; other material terms of said settlement are agreement to amend plaintiff's lease of San Francisco Port Commission property to expand permissible uses, allow for certain sign replacements, and provide right of first refusal to enter into five-year lease of the property beginning June 13, 2014. (City Attorney)

FINALLY PASSED

090484 **[Appointments, Graffiti Advisory Board - Leigh Ann Baughman, Paul Giusti and Jana Lord]**
Motion appointing Leigh Ann Baughman, Paul Giusti and Jana Lord, terms ending April 10, 2011, to the Graffiti Advisory Board, residency requirement waived.

APPROVED

090610 **[Appointment, Sweatfree Procurement Advisory Group - Christopher Honigsberg]**
Motion appointing Christopher Honigsberg, term ending December 17, 2011, to the Sweatfree Procurement Advisory Group.

APPROVED

090611 **[Appointment, In-Home Supportive Services Public Authority - Ethel Richardson]**
Motion appointing Ethel Richardson, term ending March 1, 2010, to the In-Home Supportive Services Public Authority.

APPROVED

090612 **[Appointment, Immigrant Rights Commission - Joaquin Gonzalez]**
Motion appointing Joaquin Gonzalez, term ending June 6, 2010, to the Immigrant Rights Commission.

APPROVED

090613 **[Appointment, Sunshine Ordinance Task Force - Marjorie Ann Williams]**
Motion appointing Marjorie Ann Williams, term ending April 27, 2011, to the Sunshine Ordinance Task Force.

APPROVED

090614 **[Appointments, Bicycle Advisory Committee - Marc Brandt and Jake Wegmann]**
Motion appointing Marc Brandt and Jake Wegmann, terms ending November 19, 2010, to the Bicycle Advisory Committee.

APPROVED

090615 **[Appointment, Veterans Affairs Commission - Michael Thompson]**
Motion appointing Michael Thompson, term ending January 31, 2013, to the Veterans Affairs Commission.

APPROVED

090617 **[Appointment, Commission on the Aging Advisory Council - Alexander MacDonald]**
Motion appointing Alexander MacDonald, term ending March 31, 2010, to the Commission on the Aging Advisory Council.

APPROVED

090618 **[Appointment, Citizens' General Obligation Bond Oversight Committee - Thea Selby]**
Motion appointing Thea Selby, term ending November 21, 2010, to the Citizens' General Obligation Bond Oversight Committee.

APPROVED

090619 **[Appointments, Asthma Task Force - Pavlos Politopoulous and Ann Togia]**
Motion appointing Pavlos Politopoulos and Ann Togia, terms ending July 1, 2011, to the Asthma Task Force.

APPROVED

090620 **[Appointments, San Francisco Health Authority - Susan Currin and Maria Luz Torre]**
Motion appointing Susan Currin, term ending January 15, 2012, and Maria Luz Torre, term ending January 15, 2010, to the San Francisco Health Authority, residency requirement waived.

APPROVED

The foregoing items were acted upon by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Subcommittee

090287 [State Video Franchise Holders]
Supervisors Mirkarimi, Daly, Avalos

Ordinance amending the San Francisco Administrative Code by: (1) amending Section 11.1 and adding Section 11.28-A, to establish a fee for state video franchise holders offering services in San Francisco to support public, educational, and government channel facilities and activities; and (2) amending Section 11.1 and adding Section 11.83-A, to establish penalties for violation of customer service and consumer protection standards by state video franchise holders.

(Supervisor Chu dissented in Committee.)

Continued to June 9, 2009.
Supervisor Mirkarimi, seconded by Supervisor Avalos, moved that this Ordinance be CONTINUED ON FINAL PASSAGE. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Land Use and Economic Development Committee

081600 [Closing Potrero Power Plant and updating the Electricity Resource Plan]
Supervisors Maxwell, Alioto-Pier

Ordinance establishing City policy to take all feasible steps to close the entire Potrero Power Plant as soon as possible and urging the Public Utilities Commission to immediately prepare a plan to close the Potrero Power Plant; and urging the Public Utilities Commission to update the Electricity Resource Plan.

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

NEW BUSINESS

Recommendations of the Budget and Finance Subcommittee

090527 [Public Employment and Accept and Expend Federal pass through State Grant - Amendment to the Annual Salary Ordinance, FY 2008-2009; Mayor's Summer Food Service Program and the Afterschool Snack Program - 2009]

Mayor

Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance 2008-09) to reflect the addition of one position (0.40 FTE) 9774 Sr. Community Development Specialist, one position (0.40 FTE) 1840 Jr. Management Assistant, and thirteen positions (1.04 FTE) 9910 Public Service Trainee in the Department of Children, Youth and Their Families (CHF), and authorizing the department to accept and expend a grant in the amount of $885,127 currently and retroactively, if necessary, from the United States Department of Agriculture pass through the California Department of Education to sponsor the 2009 Mayor's Summer Food Service Program and the After School Snack Program.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090499 [Ratification of increases to prior professional service contracts for health and behavioral health services]

Resolution approving amendment to Resolution No. 702-06, which ratified prior professional service contracts for the San Francisco Department of Public Health for health and behavioral health services and approved three year extensions, to increase the total contract amounts and extend the terms of those contracts through December 31, 2010. (Public Health Department)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090556 [Amendment to the City's contract with Office Depot to increase the dollar amount by more than $500,000]

Supervisor Dufty

Resolution approving the Seventh Amendment to the Agreement between the City and Office Depot (Contractor) for office supplies, increasing the contract's dollar amount to $19,345,441 pursuant to Charter Section 9.118(b).

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Land Use and Economic Development Committee

090274 [Planning - Union Street Neighborhood Commercial District - Small Self-Service Restaurants and Self-Service Specialty Food Uses]

Supervisor Alioto-Pier

Ordinance amending Planning Code Section 725.1, Section 725.44, and Section 725.69A of the Union Street Neighborhood Commercial District Zoning Control Table to provide for a limited number of new Small Self-Service Restaurants and Self-Service Specialty Food uses subject to conditional use authorization by the Planning Commission, making environmental findings, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Rules Committee

Supervisor Mar Excused from Voting

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved to execuse Supervisor Mar from voting. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Maxwell, Mirkarimi
Absent: 1 - Dufty
Excused: 1 - Mar

090616 [Appointment, Children and Families First Commission - Supervisor Eric Mar]

Motion appointing Supervisor Eric Mar, for an indefinite term, to the Children and Families First Commission.

APPROVED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Maxwell, Mirkarimi
Absent: 1 - Dufty
Excused: 1 - Mar

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Campos, seconded by Supervisor Maxwell, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Campos introduced, welcomed, and presented a Certificate of Honor to Oscar Jimenez and the Mission Recreation Center Girl's Basketball Club in recognition of their accomplishments and continued community involvement.

COMMITTEE REPORTS

090569 [Resolution of Intention to renew the Union Square Business Improvement District, to be known as the Greater Union Square Business Improvement District]
Supervisors Chiu, Maxwell

Resolution (1) declaring the intention of the Board of Supervisors to renew the property-based Union Square business improvement district, to be known as the "Greater Union Square Business Improvement District," and to levy a multi-year assessment on identified parcels in the district; (2) approving the management district plan and engineer's report and proposed boundaries map for the district; (3) ordering and setting a time and place for a public hearing thereon; (4) approving the form of the Notice of Public Hearing and Assessment Ballots; and (5) directing the Clerk of the Board of Supervisors to give notice of the public hearing and balloting as required by law.

Supervisor Campos, seconded by Supervisor Alioto-Pier, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ADOPTED AS AMENDED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

James Chaffee; expressed concern with issues relating to the SF Public Library.
Walter; shared in song certain issues with the Board.
Francisco Da Costa; expressed concerns with issues relating to budget.
Paulette Brown; expressed concern with issues relating to human services and solving child homicides and violence in the community.
Male Speaker; shared in poem certain issues with the Board.
Richard Sanderal; expressed concerns with issues relating to sports mascots.
Tony Gonzalez; expressed concerns with issues relating to Indian rights.
Herbert Weiner; expressed concerns with issues relating to MTA budget.
Female Speaker, expressed concerns with issues relating to park landscaping.
Alvin Dufty; expressed concerns with issues relating to budget.
Male Speaker; expressed concerns with issues relating to the hot team.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

090653 [Accept and Expend State Grant - Fire Department - $25,000]
Supervisor Alioto-Pier

Resolution authorizing the San Francisco Fire Department to retroactively accept and expend a grant in the amount of $25,000 from the State of California, Department of Fish and Game, Office of Spill Prevention and Response, to purchase oil spill response equipment.

ADOPTED

090654 **[Accept and Expend State Grant - Department of Public Health - $2,672]**
Supervisor Alioto-Pier

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend a grant in the amount of $2,672 from the California Department of Pesticide Regulation (CDPR) to support Pesticide Use Reporting; for the period of July 1, 2009, through June 30, 2010.

ADOPTED

090655 **[Commending Deputy City Attorney Jacqueline Minor]**
Supervisors Campos, Maxwell, Dufty, Elsbernd

Resolution commending Jacqueline Minor for more than ten years of exemplary public service to San Francisco as a Deputy City Attorney on the Government Team, the Energy and Telecommunications Team and at the San Francisco Unified School District, and wishing her well in her future endeavors as General Counsel for the Oakland Unified School District.

ADOPTED

090656 **[Support for Citywide bicycle improvements]**
Supervisors Chiu, Dufty, Mirkarimi

Resolution urging City departments to prioritize completion of the City Bike Plan and to work with appropriate decision makers to ensure the advancement of physical and policy improvements to encourage and boost bicycling for transportation.

Supervisor Mirkarimi requested to be added as a co-sponsor.
ADOPTED

090657 **[Urging the San Francisco Municipal Transportation Agency Board of Directors to increase the fines for fare evasion for first, second and third time offenders]**
Supervisors Dufty, Chiu

Resolution urging the San Francisco Municipal Transportation Agency Board of Directors to increase the fine for first time fare evasion from $50 to $75 and increase the fine for second time fare evaders to $250 and increase the fine for third time fare evaders to $500.

ADOPTED

The foregoing items were acted upon by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed From the For Adoption Without Committee Reference Agenda

Supervisor Maxwell requested that this matter be severed so that it might be considered separately.

090658 [California State Budget - Opposing the use of additional local property tax funds]
Supervisors Maxwell, Chiu, Mirkarimi

Resolution finding a severe fiscal hardship will exist if additional local property tax funds are seized and additional unfunded mandates are adopted by the State of California.

Supervisor Mirkarimi requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Avalos requested that this matter be severed so that it might be considered separately.

090660 [Municipal Transportation Agency (MTA) Transit Justice Budget Alternative]
Supervisor Avalos

Resolution urging the Municipal Transportation Agency (MTA) to adopt the Transit Justice Budget Alternative which proposes rollbacks on certain fare increases, restorations of specific service lines, and alternative revenue sources.

REFERRED to the Budget and Finance Committee.

IMPERATIVE AGENDA

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

090596 [Settlement of Lawsuit - Vivian Ross - $50,000]

Ordinance authorizing settlement of the lawsuit filed by Vivian Ross against the City and County of San Francisco for $50,000; the lawsuit was filed on September 7, 2007, in San Francisco Superior Court, Case No. 466-977; entitled Vivian Ross, et al. v. City and County of San Francisco, et al. (City Attorney)

5/15/09, RECEIVED AND ASSIGNED to Rules Committee.

090597 [Settlement of Lawsuit - U.S. Filter, Inc. (Siemens Water Technology Corp.) - $30,000]

Ordinance authorizing settlement of the lawsuit filed by City and County of San Francisco against U.S. Filter, Inc. (Siemens Water Technology Corp.) by accepting the payment of $30,000 to the City and County of San Francisco from U.S. Filter, Inc. (Siemens Water Technology Corp.); the lawsuit was filed on July 11, 2007, in San Francisco Superior Court, Case No. CGC-07-465059; entitled City and County of San Francisco, et al. v. U.S. Filter, Inc. (Siemens Water Technology Corp.), et al. (City Attorney)

5/15/09, RECEIVED AND ASSIGNED to Rules Committee.

090667 **[Settlement of Lawsuit - King, et al. v. City and County of San Francisco - $63,500]**

Ordinance authorizing settlement of the class action lawsuit entitled King v. City and County of San Francisco, filed on January 4, 2007, in the Superior Court of California, County of San Francisco, Case No. 459-278. Pursuant to the proposed settlement, the City will spend a minimum of $4 million annually to install and upgrade curb ramps in the City's pedestrian rights of way, and the City will pay an aggregate of $63,500 to plaintiffs and their counsel for damages and attorneys' fees. (City Attorney)

5/26/09, RECEIVED AND ASSIGNED to Rules Committee.

090670 **[Revisions to Division I of the San Francisco Transportation Code]**

Ordinance amending San Francisco Transportation Code, Division I, by amending Sections 3.4, 7.2.12, 7.2.26, 7.2.28, 7.2.29, 7.2.71, 7.2.101, 7.3.3, and 8.1 to change existing posting requirements for temporary parking restriction signs; provide a three minute time limit for noncommercial vehicles parked in yellow zones; provide a three consecutive day on-street parking restriction instead of seven consecutive days; provide that exceeding the permissible use of a Special Traffic Permit is a violation of Section 7.2.71; provide that obstructing traffic four or more times within one year without a Special Traffic Permit, or in violation of the terms of a Special Traffic Permit, is a misdemeanor; provide that persons are prohibited from boarding a Municipal Railway vehicle in revenue service through the rear exit while the vehicle is operating on a transit line; and to repeal noticing requirements for towing vehicles on public streets; repealing Section 7.2.44 prohibiting parking on designated streets near Candlestick Park; and making revisions to clarify applicable restrictions and references to Division II. (Municipal Transportation Agency)

5/21/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 6/20/2009.

PROPOSED RESOLUTIONS

090598 **[Official Advertising]**

Resolution designating the Examiner as the official newspaper of the City and County of San Francisco for the categories of Type 1 and Type 2 official advertising, from July 1, 2009, through June 30, 2010. (Office of Contract Administration)

5/18/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090599 **[Outreach Advertising for Fiscal Year 2009-2010]**

Resolution designating the Bay Area Reporter to be the outreach newspaper of the City and County for the Gay, Lesbian, Bisexual community, and El Reportero to be the outreach newspaper of the City and County for the Hispanic community, to provide outreach advertising for Fiscal Year 09-10. (Office of Contract Administration)

5/18/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090668 **[Settlement of Unlitigated Claim - Barry Louis Mangels - $100,000]**

Resolution approving the settlement of the unlitigated claim filed by Barry Louis Mangels against San Francisco for $100,000; claim was filed on March 11, 2009. (City Attorney)

5/26/09, RECEIVED AND ASSIGNED to Rules Committee.

090669 [Settlement of Potential Litigation - Dolly A. Cool - $84,126.98]

Resolution authorizing settlement of potential litigation with Dolly A. Cool, individually and in her representative capacity as Trustee of The Cool Family Living Trust dated December 30, 1992, related to encroachments on San Francisco Public Utilities Commission Right of Way Land adjacent to 711 Esther Lane, Redwood City, CA for $84,126.98. (City Attorney)

5/26/09, RECEIVED AND ASSIGNED to Rules Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 3:43 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

GOVERNMENT
DOCUMENTS DEPT

JUN 11 2009

SAN FRANCISCO
PUBLIC LIBRARY

VOTES

MEETING MINUTES - DRAFT

Tuesday, June 9, 2009 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Chu, Campos, Dufty	Wednesday 1:30 PM
Budget and Finance Subcommittee Supervisors Avalos, Mirkarimi, Chu	Wednesday 11:00 AM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly, Alioto-Pier	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Campos, Mirkarimi, Alioto-Pier	1st and 3rd Monday 11:00 AM
Rules Committee Supervisors Daly, Chu, Campos	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:06 p.m. On the call of the roll, Supervisor Alioto-Pier was noted absent. There was a quorum.

Supervisor Alioto-Pier was noted present at 2:07 p.m.

CONSENT AGENDA

Recommendation of the Budget and Finance Subcommittee

090527 **[Public Employment and Accept and Expend Federal pass through State Grant - Amendment to the Annual Salary Ordinance, FY 2008-2009; Mayor's Summer Food Service Program and the Afterschool Snack Program - 2009]**

Mayor

Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance 2008-09) to reflect the addition of one position (0.40 FTE) 9774 Sr. Community Development Specialist, one position (0.40 FTE) 1840 Jr. Management Assistant, and thirteen positions (1.04 FTE) 9910 Public Service Trainee in the Department of Children, Youth and Their Families (CHF), and authorizing the department to accept and expend a grant in the amount of $885,127 currently and retroactively, if necessary, from the United States Department of Agriculture pass through the California Department of Education to sponsor the 2009 Mayor's Summer Food Service Program and the After School Snack Program.

(Fiscal Impact.)

FINALLY PASSED

Recommendation of the Land Use and Economic Development Committee

090274 **[Planning - Union Street Neighborhood Commercial District - Small Self-Service Restaurants and Self-Service Specialty Food Uses]**
Supervisor Alioto-Pier

Ordinance amending Planning Code Section 725.1, Section 725.44, and Section 725.69A of the Union Street Neighborhood Commercial District Zoning Control Table to provide for a limited number of new Small Self-Service Restaurants and Self-Service Specialty Food uses subject to conditional use authorization by the Planning Commission, making environmental findings, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

FINALLY PASSED

The foregoing items were acted upon by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Subcommittee

090287 **[State Video Franchise Holders]**
Supervisors Mirkarimi, Daly, Avalos

Ordinance amending the San Francisco Administrative Code by: (1) amending Section 11.1, and adding Section 11.28-A, to establish a fee for state video franchise holders offering services in San Francisco to support public, educational, and government channel facilities and activities; and (2) amending Section 11.1, and adding Section 11.83-A, to establish penalties for violation of customer service and consumer protection standards by state video franchise holders.

(Supervisor Chu dissented in Committee.)

FINALLY PASSED by the following vote:
Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

NEW BUSINESS

Recommendations of the Budget and Finance Committee

090543 [Revising Board of Appeals Filing Fees]
Mayor

Ordinance amending Article 1, Section 8, of the San Francisco Business and Tax Regulations Code, to increase specified Board of Appeals filing fees, to make technical corrections, and making environmental findings.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090544 [Revising Board of Appeals Surcharges]
Mayor

Ordinance amending Section 10G.1 of the San Francisco Administrative Code to adjust the surcharges on permit fees, license fees, permit review fees and permit and license renewal fees imposed by the Department of Building Inspection, the Planning Commission, the San Francisco Municipal Transportation Agency Board of Directors, the Police Department, the Department of Public Works, the Entertainment Commission, the Department of Public Health and the Arts Commission for permits and licenses that may be appealed to the Board of Appeals, and making environmental findings.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be PREVIOUS VOTE RESCINDED. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED ON FIRST READING. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Continued to June 16, 2009.

090548 **[Appropriating $58,747,600 of capital lease revenue for the Advanced Meter Infrastructure Project at the Public Utilities Commission for Fiscal Year 2008-2009]**
Mayor, Supervisor Dufty

Ordinance appropriating $58,747,600 of capital lease revenue for the Water Enterprises' Advanced Meter Infrastructure Project and the reimbursement of previously appropriated Water Enterprise Revenues for the same project at the San Francisco Public Utilities Commission for Fiscal Year 2008-2009 and placing the entire appropriation on Controller's reserve pending receipt of the funds.

(Fiscal Impact)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Alioto-Pier

090636 [CEQA Findings and Approval of Real Property Agreements for SFPUC Water System Improvement Program San Andreas Pipeline No. 3 Installation Project beginning at the San Pedro Valve Lot (SPVL) in Daly City to Merced Manor Reservoir (MMR) in San Francisco]
Supervisor Elsbernd

Resolution adopting findings under the California Environmental Quality Act ("CEQA"), including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the San Andreas Pipeline No.3 Installation Project, CUW 37901; directing the Clerk of the Board of Supervisors to notify the Controller of this action; making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1; authorizing the SFPUC General Manager to execute the necessary agreements and deeds with John Daly Boulevard Associates, L.P., Monarch Ventures, L.P., Wilbak Investments, L.P. (Westlake Associates) to modify, relocate and quitclaim certain easement rights in real property located in the Westlake Villas areas along Poncetta Drive between John Daly Boulevard and the north property line of Lake Merced Golf Club in the City of Daly City, and authorizing the SFPUC General Manager to execute the necessary agreements and deeds with Parkmerced Investors Properties, LLC (Parkmerced) to modify, relocate and quitclaim certain easement rights in real property located in the Parkmerced development from Brotherhood Way to 19th Avenue in the City and County of San Francisco.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Budget and Finance Subcommittee

090473 [Building and Housing Code - Code Enforcement Fees for One and Two-Family Rental Units]
Supervisors Campos, Chiu, Daly, Mirkarimi, Avalos, Mar, Maxwell

Ordinance amending the San Francisco Building Code Chapter 1A, Section 110A, Table 1A-P, and the San Francisco Housing Code Chapter 3, Section 302 to authorize the Department of Building Inspection to charge a fee of $52.00 per unit to recover the cost of on-going Housing Code enforcement services for one and two-family rental dwellings; and making environmental findings.

(Supervisor Chu dissented in Committee.)

PASSED ON FIRST READING by the following vote:
Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

090587 [Appropriating $14,152,000 to support cost overruns at San Francisco General and Laguna Honda Hospitals in the Department of Public Health for Fiscal Year 2008-2009]
Mayor

Ordinance appropriating $14,152,000 including $12,051,000 from surplus hospital revenues at San Francisco General Hospital, $1,891,000 from surplus Department of Public Health General Fund revenues, and $210,000 from surplus hospital revenues at Laguna Honda Hospital, for cost overruns at San Francisco General Hospital and Laguna Honda Hospital in the Department of Public Health for Fiscal Year 2008-2009.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090451 **[Memorandum of Understanding between the Treasure Island Development Authority and the San Francisco Public Utilities Commission for Payment of Unpaid Utilities]**

Resolution approving and authorizing the execution of a Memorandum of Understanding between the Treasure Island Development Authority and the San Francisco Public Utilities Commission for Payment of Unpaid Utility Amounts. (Treasure Island Development Authority)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090652 **[First Amendment to Memorandum of Agreement Between the Treasure Island Development Authority and the San Francisco County Transportation Authority Relating to Yerba Buena Island Ramps]**

Mayor

Resolution approving a First Amendment to the Memorandum of Agreement between the Treasure Island Development Authority and the San Francisco County Transportation Authority for project management services and consultant services for the preparation of a Project Report, Environmental Document and Project Engineering for the Yerba Buena Island Ramps in an amount not to exceed $8,800,000.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090573 **[Approving Modification to the Cooperative Agreement between the Treasure Island Development Authority and the U.S. Navy]**

Resolution approving and authorizing the Treasure Island Development Authority to enter into a Modification to the Cooperative Agreement with the U.S. Navy to extend the Cooperative Agreement from October 1, 2009, to September 30, 2010. (Treasure Island Development Authority)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090383 **[In Home Supportive Services Contract with IHSS Consortium of San Francisco - $83,444,020]**

Resolution approving the contract between the City and County of San Francisco and the IHSS Consortium of San Francisco for the provision of In-Home Supportive Services for the period from July 1, 2009, to June 30, 2013, in the amount of $83,444,020. (Human Services Department)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090579 [Approval of three contracts for the Department of Public Health totaling $84,322,248]
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health to enter into three contracts providing mental health and substance abuse counseling services for clients enrolled in the CalWORK's Welfare to Work Program; integrated substance abuse, mental health and medical services for clients in the Opiate Treatment Program; and fiscal intermediary services related to the San Francisco Mental Health Plan's for Community Behavioral Health Services (CBHS), Residential Care Facilities, Private Provider Network, Mental Health Wraparound Services, and Department's Housing and Urban Health's Emergency Housing Program for the terms of July 1, 2009, through June 30, 2014, and July 1, 2009, through June 30, 2012. (Public Health Department)

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090659 [Amendment to contract with AMEC Geomatrix, Inc.]
Mayor

Resolution approving an amendment to the contract with AMEC Geomatrix, Inc. to extend the term through June 30, 2010, and to increase the contract by an amount not to exceed $180,000 for a new total amount not to exceed $1,619,000 for environmental consulting services.

ADOPTED by the following vote:
Ayes: 9 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Noes: 2 - Campos, Mirkarimi

Recommendations of the Government Audit and Oversight Committee

081404 [Mandatory Recycling and Composting]
Mayor, Supervisors Mirkarimi, Daly

Ordinance amending the San Francisco Environment Code by adding Chapter 18, Sections 1801 through 1812, entitled "Mandatory Recycling and Composting Ordinance," amending the San Francisco Public Works Code by amending Section 173, and amending the San Francisco Health Code by amending Sections 291, 291.1, 291.2, 291.4, 291.7, 291.11, 291.12, 291.15, 291.17, and 293.1, and by repealing the current Section 291.16 and adding a new Section 291.16, all to: (1) require all persons located in San Francisco to separate recyclables, compostables and landfilled trash and participate in recycling and composting programs; (2) provide enforcement mechanisms and penalties for violations; (3) ensure that all properties subscribe to refuse collection service; and (4) authorize a Department of Public Health inspection fee of $167 per hour; and making environmental findings and setting an operative date.

(Fiscal Impact.)

Supervisor Mirkarimi, seconded by Supervisor Mar, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Ordinance amending the San Francisco Environment Code by adding Chapter 19, Sections 1901 through 1912, entitled "Mandatory Recycling and Composting Ordinance," amending the San Francisco Public Works Code by amending Section 173, and amending the San Francisco Health Code by amending Sections 291, 291.1, 291.2, 291.4, 291.7, 291.11, 291.12, 291.15, 291.17, and 293.1, and by repealing current Sections 291.9 and 291.16 and adding a new Section 291.16, all to: (1) require all persons located in San Francisco to separate recyclables, compostables and landfilled trash and participate in recycling and composting programs; (2) provide enforcement mechanisms and penalties for violations; (3) ensure that all properties subscribe to refuse collection service; and (4) authorize a Department of Public Health inspection fee of $167 per hour; and making environmental findings and setting an operative date.

(Fiscal Impact.)

PASSED ON FIRST READING AS AMENDED by the following vote:
Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Chu, Elsbernd

090557 [Multi-year permit for the use of certain portions of Golden Gate Park for a three-day music festival]
Supervisors Mar, Maxwell, Mirkarimi

Resolution pursuant to S. F. Charter Section 9.118 authorizing and approving the execution, delivery and performance of a Permit to Another Planet Entertainment for the use of certain portions of Golden Gate Park for an annual three-day music festival for a term of three (3) years for an estimated income to the City of $3.6 million, plus an additional two (2) year option; and adopting environmental findings.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

081525 [Sale of City Property Subject to Declaration of Convenants]
Mayor

Ordinance authorizing the sale of twelve City-owned properties located along the former Central Freeway right of way and the newly constructed Octavia Boulevard by public auction or pursuant to negotiated purchase and sale agreements and subject to a declaration of covenants; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the sales are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing other actions in furtherance of this ordinance.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090026 [Requiring Amended Certificates of Final Completion and Occupancy for Changes of Occupancy of Existing Buildings]
Supervisors Mirkarimi, Chiu, Mar

Ordinance amending the San Francisco Building Code by amending Section 109A to provide that an Amended Certificate of Final Completion and Occupancy shall be issued for an existing building where there is an increase in the number of legal dwelling units resulting in a change of occupancy, and to require the Amended Certificate of Final Completion and Occupancy to include a reference to the date of the first certificate of occupancy and any subsequent certificates of occupancy that have been issued for the building, excluding the use of an Amended Certificate in RH-1 and RH-1(D) zoning districts; amending the Planning Code by adding Section 359 to provide that a requirement to pay a development impact fee prior to issuance of a certificate of occupancy shall include payment of the fee prior to issuance of an amended certificate of occupancy.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090638 [Accept and Expend Grant - Department of Public Health - $1,925,719]
Supervisors Maxwell, Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant from the California Department of Corrections and Rehabilitation (CDCR) in the amount of $1,925,719 to expand the City's treatment capacity for mentally ill parolees; for the period of June 1, 2009, through June 30, 2012.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:00 P.M.

090600 [Public Hearing - Report of assessment costs for sidewalk and curb repairs]

Hearing of persons interested in or objecting to report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund.

Robert Fong, Street Use and Mapping, Public Works, presented the department's report.

The President inquired as to whether any member of the public wished to address the Board members.

Michael Skinner; objected to the assessment
Male Speaker; objected to the assessment
Gary Lynch; Monte Carlo Restaruant, objected to the assessment

The President declared the public hearing closed.

HEARD AT PUBLIC HEARING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090601 **[Report of assessment costs for sidewalk and curb repairs]**

Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund.

The following properties were removed from the report of assessmenet costs for sidewalk and curb repairs ordered to be performed by the Director of Public Works: 2246 Francisco St., 1649 La Salle Ave., 1505 Quesada Ave.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Mar, seconded by Supervisor Avalos, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mar introduced, welcomed, and presented a Certificate of Honor to Reverend John Oda in recognition his work in the community and the church.

COMMITTEE REPORTS

090630 **[Maintenance Agreement with Caltrans for various locations throughout the City]**
Supervisor Chu

Resolution approving a Maintenance Agreement between the City and County of San Francisco and the State of California Department of Transportation (Caltrans) concerning maintenance work to be performed by the City in the State right-of-way at Junipero Serra Boulevard, Nineteenth Avenue, Cross-Over Drive, By-Pass Drive, Park Presidio Boulevard, Skyline Boulevard, Sloat Boulevard, James Lick Freeway, San Jose Avenue, Bayshore Freeway, Central Freeway, Mission Street, South Van Ness Avenue, Van Ness Avenue, Lombard Street, Richardson Street, Southern Freeway and ratifying certain actions in connection with this Resolution.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090670 [Temporary Parking Restrictions]

Ordinance amending San Francisco Transportation Code, Division I, by amending Sections 3.4, 7.2.12, 7.2.26, 7.2.28, 7.2.29, 7.2.71, 7.2.101, 7.3.3, and 8.1 to change existing posting requirements for temporary parking restriction signs; provide a three minute time limit for noncommercial vehicles parked in yellow zones; provide a three consecutive day on-street parking restriction instead of seven consecutive days; provide that exceeding the permissible use of a Special Traffic Permit is a violation of Section 7.2.71; provide that obstructing traffic four or more times within one year without a Special Traffic Permit, or in violation of the terms of a Special Traffic Permit, is a misdemeanor; provide that persons are prohibited from boarding a Municipal Railway vehicle in revenue service through the rear exit while the vehicle is operating on a transit line; and to repeal noticing requirements for towing vehicles on public streets; repealing Section 7.2.44 prohibiting parking on designated streets near Candlestick Park; and making revisions to clarify applicable restrictions and references to Division II. (Municipal Transportation Agency)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Appointment of President Pro Tempore

At the request of the President, Supervisor Elsbernd assumed the Chair. The President resumed the Chair shortly thereafter.

PUBLIC COMMENT

Abdullah Megaheed; expressed concern with various issues in Arabic and English.
Richard Robinson; expressed concern with issues relating to the trade imbalance with China.
James Chaffee; expressed concern with issues relating to the SF Public Library.
Champaine Brown, Serina Brown and Paula Brown; expressed concerns with investigation of the murder of Audrey Abrakasa Jr. and others.
Ms. Walters; expressed concern with issues relating to open space and parks.
Charles Mester; expressed concern with issues relating to unjustified persecution.
Richard McRee; expressed concern with issues relating to his patent for the Sigmund Stern Grove.
Male Speaker; expressed concern with issues relating to racism.
Female Speaker; expressed concern with issues relating to oil extraction tax and the budget.
Bruce Livingston; expressed concern with issues relating to alcohol tax.
Walter; shared in song certain issues with the Board.
Paul Stoll; expressed concern with issues relating to license fee increases.
Sasa Meritt; expresed concern with issues relating to license fee increases.
Male Speakers; expressed concern with various issues.
Leam Froth; expressed concern with issues relating to various police issues.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

090743 [Accept and Expend State Grant - Port of San Francisco - $25,000]
Supervisor Alioto-Pier

Resolution authorizing the Port of San Francisco to accept and expend a grant in the amount of $25,000 from the California Department of Fish and Game, Oil Spill Prevention and Response division for purchase of oil spill response equipment.

ADOPTED

090748 **[Recognizing the fortieth anniversary of the Stonewall Riots]**
Supervisors Dufty, Campos, Mirkarimi, Avalos

Resolution recognizing the fortieth anniversary of the Stonewall Riots and the profound influence they have had on the fight for equality for LGBT Americans.

Supervisor Avalos requested to be added as a co-sponsor.
ADOPTED

090745 **[Urging the Metropolitan Transportation Commission to reallocate funds from highway expansion to public transit and environment- and community-friendly highway designs]**
Supervisors Chiu, Dufty, Mar

Resolution urging the Metropolitan Transportation Commission and other local, regional and state agencies to re-allocate funds currently dedicated to regional highway expansion towards improvements to public transit in the region; urging MTC and other regional and state agencies to adopt management and design programs for state highways that lessen the environmental burdens imposed by highways on adjacent communities, and enhances mobility by sustainable transportation modes.

Supervisors Dufty and Mar requested to be added as co-sponsors.
ADOPTED

090747 **[Commending Helen Diller on her dedicated service to San Francisco]**
Supervisor Dufty

Resolution commending Helen Diller on her dedicated service to the City and County of San Francisco through her contributions to health research, education and philanthropy.

ADOPTED

The foregoing items were acted upon by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Chiu requested that this matter be severed so that it might be considered separately.

090741 **[Authorizing City officials the ability to execute Homeland Security Grants]**
Supervisor Alioto-Pier

Resolution authorizing designated City and County officials to execute and file on behalf of the City and County of San Francisco, a public entity established under the laws of the State of the California, any applications or agreements and to take any actions necessary to obtain federal financial assistance provided by the Federal Department of Homeland Security and sub-granted through the State of California, including the following grants: State Homeland Security Grant Program, Metropolitan Medical Response System and Citizen Corps Program.

Supervisor Daly requested that this matter be referred to Committee.
REFERRED to the Budget and Finance Committee.

Supervisor Chiu requested that this matter be severed so that it might be considered separately.

090742 **[Homeland Security Grants]**
Supervisor Alioto-Pier

Resolution authorizing designated City and County officials to execute and file on behalf of the City and County of San Francisco, a public entity established under the laws of the State of California, any actions necessary for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security and sub-granted through the State of California under various grant programs, including: the FY 09 Homeland Security Grant Program for the FY 09 Urban Areas Security Initiative (UASI) grant, the FY 09 Buffer Zone Protection Program (BZPP) grant, the FY 09 Regional Catastrophic Preparedness Grant Program (RCPGP), the FY 09 Interoperable Emergency Communications Grant Program (IECGP) and Public Law 110-329.

Supervisor Daly requested that this matter be referred to Committee.

REFERRED to the Budget and Finance Committee.

Supervisor Daly requested that this matter be severed so that it might be considered separately.

090744 **[2010 Census Count]**
Supervisors Chiu, Chu, Campos, Dufty, Mar, Avalos

Resolution calling for an accurate, fair and inclusive count of all San Francisco residents in the 2010 Census.

Supervisors Mar and Avalos requested to be added as co-sponsors.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Resolution be ADOPTED AS AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

090749 **[State cuts to UC Hastings budget]**
Supervisors Elsbernd, Daly, Chiu, Mirkarimi, Alioto-Pier, Avalos, Campos, Chu, Dufty, Mar, Maxwell

Resolution recognizing the educational, economic and pro-bono contributions of the University of California, Hastings – College of the Law to the State of California and the City and County of San Francisco, and urging the Governor and the California Legislature to reverse the Governor's proposal to eliminate all state funding for the school.

The entire Board of Supervisors requested to be sponsors of this item.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Dufty requested that this matter be severed so that it might be considered separately.

090746 **[Calling for an interagnecy task force to investigate and prosecute the existing SFPD Fraud Section backlog of reproted fraud crime]**
Supervisors Dufty, Campos, Mirkarimi, Alioto-Pier, Chiu

Resolution calling for the creation of an interagency task force of local authorities, federal authorities and businesses to investigate and prosecute fraud crime.

Supervisor Dufty, seconded by Supervisor Elsbernd, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Resolution calling for an interagency task force of local authorities, federal authorities and businesses to investigate and prosecute fraud crime reported to the SFPD.

ADOPTED AS AMENDED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Maxwell requested that this matter be severed so that it might be considered separately.

090750 **[Issuance and Sale of Revenue Bonds - 2235 Third Street Apartments]**
Supervisor Maxwell

Resolution approving the issuance and sale of tax-exempt bonds by the Association of Bay Area Governments (ABAG) Finance Authority For Nonprofit Corporations in an aggregate principal amount not to exceed $50,000,000 for financing the acquisition, construction and rehabilitation of 2235 Third Street Apartments, subject to the policies for such approvals adopted by the Board of Supervisors in Ordinance No. 36-07.

06/09/09 - Amended on page 1, line 13 to insert "179-unit" in place of "200-unit".

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Resolution be AMENDED. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ADOPTED AS AMENDED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mirkarimi requested that this matter be severed so that it might be considered separately.

090751 **[Urging San Francisco's representatives in the California Senate and Assembly to modify the definition of a "change of ownership" for commercial property and to draft a State constitutional amendment creating a split-roll property tax]**
Supervisors Mirkarimi, Chiu, Campos, Maxwell, Mar, Avalos

Resolution urging San Francisco's representatives in the California Senate and Assembly to modify the definition of a "change of ownership" for commercial property and to draft a state constitutional amendment creating a split-roll property tax.

Supervisors Mar and Avalos requested to be added as co-sponsors.

CONTINUED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved that this Resolution be PREVIOUS VOTE RESCINDED. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Continued to June 16, 2009.

Supervisor Mirkarimi requested that this matter be severed so that it might be considered separately.

090753 [Selection of independent City auditors]

Supervisor Mirkarimi

Resolution selecting independent auditors for the Controller's office and the separately audited departments of the City and authorizing a two-year contract with the selected audit firm with five years worth of options for renewal.

Supervisor Mirkarimi requested that this matter be referred to Committee.

REFERRED to the Budget and Finance Committee.

Supervisor Mirkarimi requested that this matter be severed so that it might be considered separately.

090754 [Amending the California Constitution to restore majority rule to all budgetary and revenue issues]

Supervisors Mirkarimi, Dufty, Mar, Avalos

Resolution urging San Francisco's California State legislative delegation to draft an amendment to the California Constitution restoring majority rule to all budgetary and revenue issues decided in the State of California.

Supervisors Mar and Avalos requested to be added as co-sponsors.

CONTINUED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Resolution be PREVIOUS VOTE RESCINDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Continued to June 16, 2009.

Supervisor Mirkarimi requested that this matter be severed so that it might be considered separately.

090752 **[Authorization of issuance of demolition permit to Kaiser Permanente]**
Supervisor Mirkarimi

Resolution authorizing the issuance of a demolition permit by the San Francisco Planning Department and/or the Department of Building Inspection to Kaiser Permanente for residential property at 1401-1417 Divisadero.

Supervisor Mirkarimi requested that this matter be referred to Committee.

REFERRED to the Land Use and Economic Development Committee.

OFF-AGENDA LEGISLATION

PROPOSED RESOLUTIONS

090755 **[Street Artist Spaces]**
Resolution approving permanent designation of nine (9) former temporary selling spaces for weekend usage on Market Street, north side, at Steuart Street, for street artists certified by the Arts Commission, City and County of San Francisco; exempting said spaces from the regulations of Police Code Section 2405 relating to street artist display size and bus zone. (Arts Commission)
5/27/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090756 **[Approval of FY09-10 Expenditure Plan for the Human Services Care Fund]**
Resolution approving the FY09-10 Expenditure Plan for the Human Services Care Fund. (Human Services Department)
5/29/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090757 **[Nineteenth Amendment to the Treasure Island Event Venues Master Lease]**
Resolution retroactively approving the Nineteenth Amendment to the Treasure Island Event Venues Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term. (Treasure Island Development Authority)
5/29/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090758 **[Twentieth Amendment to the Treasure Island Event Venues Master Lease]**
Resolution retroactively approving the Twentieth Amendment to the Treasure Island Event Venues Master Lease between the Treasure Island Development Authority and the U.S. Navy to add the unimproved lot surrounding Building 449 to the Leased Premises. (Treasure Island Development Authority)
5/29/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090759 **[Thirtieth Amendment to the Treasure Island Land and Structures Master Lease]**

Resolution retroactively approving the Thirtieth Amendment to the Treasure Island Land and Structures Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term. (Treasure Island Development Authority)

5/29/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090760 **[Thirty-First Amendment to the Treasure Island Land and Structures Master Lease]**

Resolution retroactively approving the Thirty-First Amendment to the Treasure Island Land and Structures Master Lease between the Treasure Island Development Authority and the U.S. Navy to add Building 202 to the Leased Premises. (Treasure Island Development Authority)

5/29/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090761 **[Thirty-Second Amendment to the Treasure Island Land and Structures Master Lease]**

Resolution retroactively approving the Thirty-Second Amendment to the Treasure Island Land and Structures Master Lease between the Treasure Island Redevelopment Authority and the U.S. Navy to add Buildings 29, 157, 215, 225, 261A, 264, 292, 401 and the lot surrounding Building 450 in the Leased Premises. (Treasure Island Development Authority)

5/29/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090762 **[Twelfth Amendment to the Treasure Island Marina Master Lease]**

Resolution retroactively approving the Twelfth Amendment to the Treasure Island Marina Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term. (Treasure Island Development Authority)

5/29/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090763 **[Twenty Third Amendment to the Treasure Island South Waterfront Master Lease]**

Resolution retroactively approving the Twenty Third Amendment to the Treasure Island South Waterfront Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term. (Treasure Island Development Authority)

5/29/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090764 **[Twenty-Fourth Amendment to the Treasure Island South Waterfront Master Lease]**

Resolution retroactively approving the Twenty-Fourth Amendment to the Treasure Island South Waterfront Master Lease between the Treasure Island Development Authority and the U.S. Navy to add Buildings 355, 385, 454, 501 and the portion of Avenue I between 3rd Street and California Avenue to the Leased Premises. (Treasure Island Development Authority)

5/29/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090765 **[80 Charter Oak Street Lease Amendment]**

Resolution authorizing a Lease Amendment to extend the term for five years for real property at 80 Charter Oak Street for the San Francisco Municipal Transportation Agency. (Real Estate Department)

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090766 **[1975-1999 Bryant Street Lease Amendment]**

Resolution authorizing a Lease Amendment to extend the term for five years for real property at 1975-1999 Bryant Street for the San Francisco Municipal Transportation Agency. (Real Estate Department)

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:46 p.m.

Revised 6/11/09

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

GOVERNMENT
DOCUMENTS DEPT

JUN 15 2009

SAN FRANCISCO
PUBLIC LIBRARY

VOTES

MEETING MINUTES - DRAFT

Tuesday, June 9, 2009 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Chu, Campos, Dufty	Wednesday 1:30 PM
Budget and Finance Subcommittee Supervisors Avalos, Mirkarimi, Chu	Wednesday 11:00 AM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly, Alioto-Pier	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Campos, Mirkarimi, Alioto-Pier	1st and 3rd Monday 11:00 AM
Rules Committee Supervisors Daly, Chu, Campos	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:06 p.m. On the call of the roll, Supervisor Alioto-Pier was noted absent. There was a quorum.

Supervisor Alioto-Pier was noted present at 2:07 p.m.

CONSENT AGENDA

Recommendation of the Budget and Finance Subcommittee

090527 **[Public Employment and Accept and Expend Federal pass through State Grant - Amendment to the Annual Salary Ordinance, FY 2008-2009; Mayor's Summer Food Service Program and the Afterschool Snack Program - 2009]**
Mayor

Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance 2008-09) to reflect the addition of one position (0.40 FTE) 9774 Sr. Community Development Specialist, one position (0.40 FTE) 1840 Jr. Management Assistant, and thirteen positions (1.04 FTE) 9910 Public Service Trainee in the Department of Children, Youth and Their Families (CHF), and authorizing the department to accept and expend a grant in the amount of $885,127 currently and retroactively, if necessary, from the United States Department of Agriculture pass through the California Department of Education to sponsor the 2009 Mayor's Summer Food Service Program and the After School Snack Program.

(Fiscal Impact.)

FINALLY PASSED

Recommendation of the Land Use and Economic Development Committee

090274 **[Planning - Union Street Neighborhood Commercial District - Small Self-Service Restaurants and Self-Service Specialty Food Uses]**
Supervisor Alioto-Pier

Ordinance amending Planning Code Section 725.1, Section 725.44, and Section 725.69A of the Union Street Neighborhood Commercial District Zoning Control Table to provide for a limited number of new Small Self-Service Restaurants and Self-Service Specialty Food uses subject to conditional use authorization by the Planning Commission, making environmental findings, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

FINALLY PASSED

The foregoing items were acted upon by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Subcommittee

090287 **[State Video Franchise Holders]**
Supervisors Mirkarimi, Daly, Avalos

Ordinance amending the San Francisco Administrative Code by: (1) amending Section 11.1, and adding Section 11.28-A, to establish a fee for state video franchise holders offering services in San Francisco to support public, educational, and government channel facilities and activities; and (2) amending Section 11.1, and adding Section 11.83-A, to establish penalties for violation of customer service and consumer protection standards by state video franchise holders.

(Supervisor Chu dissented in Committee.)

FINALLY PASSED by the following vote:
Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

NEW BUSINESS

Recommendations of the Budget and Finance Committee

090543 [Revising Board of Appeals Filing Fees]
Mayor

Ordinance amending Article 1, Section 8, of the San Francisco Business and Tax Regulations Code, to increase specified Board of Appeals filing fees, to make technical corrections, and making environmental findings.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090544 [Revising Board of Appeals Surcharges]
Mayor

Ordinance amending Section 10G.1 of the San Francisco Administrative Code to adjust the surcharges on permit fees, license fees, permit review fees and permit and license renewal fees imposed by the Department of Building Inspection, the Planning Commission, the San Francisco Municipal Transportation Agency Board of Directors, the Police Department, the Department of Public Works, the Entertainment Commission, the Department of Public Health and the Arts Commission for permits and licenses that may be appealed to the Board of Appeals, and making environmental findings.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be PREVIOUS VOTE RESCINDED. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED ON FIRST READING. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Continued to June 16, 2009.

090548 [Appropriating $58,747,600 of capital lease revenue for the Advanced Meter Infrastructure Project at the Public Utilities Commission for Fiscal Year 2008-2009]
Mayor, Supervisor Dufty

Ordinance appropriating $58,747,600 of capital lease revenue for the Water Enterprises' Advanced Meter Infrastructure Project and the reimbursement of previously appropriated Water Enterprise Revenues for the same project at the San Francisco Public Utilities Commission for Fiscal Year 2008-2009 and placing the entire appropriation on Controller's reserve pending receipt of the funds.

(Fiscal Impact)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Alioto-Pier

090636 **[CEQA Findings and Approval of Real Property Agreements for SFPUC Water System Improvement Program San Andreas Pipeline No. 3 Installation Project beginning at the San Pedro Valve Lot (SPVL) in Daly City to Merced Manor Reservoir (MMR) in San Francisco]**
Supervisor Elsbernd

Resolution adopting findings under the California Environmental Quality Act ("CEQA"), including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the San Andreas Pipeline No.3 Installation Project, CUW 37901; directing the Clerk of the Board of Supervisors to notify the Controller of this action; making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1; authorizing the SFPUC General Manager to execute the necessary agreements and deeds with John Daly Boulevard Associates, L.P., Monarch Ventures, L.P., Wilbak Investments, L.P. (Westlake Associates) to modify, relocate and quitclaim certain easement rights in real property located in the Westlake Villas areas along Poncetta Drive between John Daly Boulevard and the north property line of Lake Merced Golf Club in the City of Daly City, and authorizing the SFPUC General Manager to execute the necessary agreements and deeds with Parkmerced Investors Properties, LLC (Parkmerced) to modify, relocate and quitclaim certain easement rights in real property located in the Parkmerced development from Brotherhood Way to 19th Avenue in the City and County of San Francisco.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Budget and Finance Subcommittee

090473 **[Building and Housing Code - Code Enforcement Fees for One and Two-Family Rental Units]**
Supervisors Campos, Chiu, Daly, Mirkarimi, Avalos, Mar, Maxwell

Ordinance amending the San Francisco Building Code Chapter 1A, Section 110A, Table 1A-P, and the San Francisco Housing Code Chapter 3, Section 302 to authorize the Department of Building Inspection to charge a fee of $52.00 per unit to recover the cost of on-going Housing Code enforcement services for one and two-family rental dwellings; and making environmental findings.

(Supervisor Chu dissented in Committee.)

PASSED ON FIRST READING by the following vote:
Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

090587 **[Appropriating $14,152,000 to support cost overruns at San Francisco General and Laguna Honda Hospitals in the Department of Public Health for Fiscal Year 2008-2009]**
Mayor

Ordinance appropriating $14,152,000 including $12,051,000 from surplus hospital revenues at San Francisco General Hospital, $1,891,000 from surplus Department of Public Health General Fund revenues, and $210,000 from surplus hospital revenues at Laguna Honda Hospital, for cost overruns at San Francisco General Hospital and Laguna Honda Hospital in the Department of Public Health for Fiscal Year 2008-2009.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090451 **[Memorandum of Understanding between the Treasure Island Development Authority and the San Francisco Public Utilities Commission for Payment of Unpaid Utilities]**

Resolution approving and authorizing the execution of a Memorandum of Understanding between the Treasure Island Development Authority and the San Francisco Public Utilities Commission for Payment of Unpaid Utility Amounts. (Treasure Island Development Authority)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090652 **[First Amendment to Memorandum of Agreement Between the Treasure Island Development Authority and the San Francisco County Transportation Authority Relating to Yerba Buena Island Ramps]**

Mayor

Resolution approving a First Amendment to the Memorandum of Agreement between the Treasure Island Development Authority and the San Francisco County Transportation Authority for project management services and consultant services for the preparation of a Project Report, Environmental Document and Project Engineering for the Yerba Buena Island Ramps in an amount not to exceed $8,800,000.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090573 **[Approving Modification to the Cooperative Agreement between the Treasure Island Development Authority and the U.S. Navy]**

Resolution approving and authorizing the Treasure Island Development Authority to enter into a Modification to the Cooperative Agreement with the U.S. Navy to extend the Cooperative Agreement from October 1, 2009, to September 30, 2010. (Treasure Island Development Authority)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090383 **[In Home Supportive Services Contract with IHSS Consortium of San Francisco - $83,444,020]**

Resolution approving the contract between the City and County of San Francisco and the IHSS Consortium of San Francisco for the provision of In-Home Supportive Services for the period from July 1, 2009, to June 30, 2013, in the amount of $83,444,020. (Human Services Department)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090579 [Approval of three contracts for the Department of Public Health totaling $84,322,248]
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health to enter into three contracts providing mental health and substance abuse counseling services for clients enrolled in the CalWORK's Welfare to Work Program; integrated substance abuse, mental health and medical services for clients in the Opiate Treatment Program; and fiscal intermediary services related to the San Francisco Mental Health Plan's for Community Behavioral Health Services (CBHS), Residential Care Facilities, Private Provider Network, Mental Health Wraparound Services, and Department's Housing and Urban Health's Emergency Housing Program for the terms of July 1, 2009, through June 30, 2014, and July 1, 2009, through June 30, 2012. (Public Health Department)

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090659 [Amendment to contract with AMEC Geomatrix, Inc.]
Mayor

Resolution approving an amendment to the contract with AMEC Geomatrix, Inc. to extend the term through June 30, 2010, and to increase the contract by an amount not to exceed $180,000 for a new total amount not to exceed $1,619,000 for environmental consulting services.

ADOPTED by the following vote:
Ayes: 9 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Noes: 2 - Campos, Mirkarimi

Recommendations of the Government Audit and Oversight Committee

081404 [Mandatory Recycling and Composting]
Mayor, Supervisors Mirkarimi, Daly

Ordinance amending the San Francisco Environment Code by adding Chapter 18, Sections 1801 through 1812, entitled "Mandatory Recycling and Composting Ordinance," amending the San Francisco Public Works Code by amending Section 173, and amending the San Francisco Health Code by amending Sections 291, 291.1, 291.2, 291.4, 291.7, 291.11, 291.12, 291.15, 291.17, and 293.1, and by repealing the current Section 291.16 and adding a new Section 291.16, all to: (1) require all persons located in San Francisco to separate recyclables, compostables and landfilled trash and participate in recycling and composting programs; (2) provide enforcement mechanisms and penalties for violations; (3) ensure that all properties subscribe to refuse collection service; and (4) authorize a Department of Public Health inspection fee of $167 per hour; and making environmental findings and setting an operative date.

(Fiscal Impact.)

Supervisor Mirkarimi, seconded by Supervisor Mar, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Ordinance amending the San Francisco Environment Code by adding Chapter 19, Sections 1901 through 1912, entitled "Mandatory Recycling and Composting Ordinance," amending the San Francisco Public Works Code by amending Section 173, and amending the San Francisco Health Code by amending Sections 291, 291.1, 291.2, 291.4, 291.7, 291.11, 291.12, 291.15, 291.17, and 293.1, and by repealing current Sections 291.9 and 291.16 and adding a new Section 291.16, all to: (1) require all persons located in San Francisco to separate recyclables, compostables and landfilled trash and participate in recycling and composting programs; (2) provide enforcement mechanisms and penalties for violations; (3) ensure that all properties subscribe to refuse collection service; and (4) authorize a Department of Public Health inspection fee of $167 per hour; and making environmental findings and setting an operative date.

(Fiscal Impact.)

PASSED ON FIRST READING AS AMENDED by the following vote:
Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Chu, Elsbernd

090557 **[Multi-year permit for the use of certain portions of Golden Gate Park for a three-day music festival]**
Supervisors Mar, Maxwell, Mirkarimi

Resolution pursuant to S. F. Charter Section 9.118 authorizing and approving the execution, delivery and performance of a Permit to Another Planet Entertainment for the use of certain portions of Golden Gate Park for an annual three-day music festival for a term of three (3) years for an estimated income to the City of $3.6 million, plus an additional two (2) year option; and adopting environmental findings.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

081525 **[Sale of City Property Subject to Declaration of Convenants]**
Mayor

Ordinance authorizing the sale of twelve City-owned properties located along the former Central Freeway right of way and the newly constructed Octavia Boulevard by public auction or pursuant to negotiated purchase and sale agreements and subject to a declaration of covenants; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the sales are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing other actions in furtherance of this ordinance.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090026 [Requiring Amended Certificates of Final Completion and Occupancy for Changes of Occupancy of Existing Buildings]
Supervisors Mirkarimi, Chiu, Mar

Ordinance amending the San Francisco Building Code by amending Section 109A to provide that an Amended Certificate of Final Completion and Occupancy shall be issued for an existing building where there is an increase in the number of legal dwelling units resulting in a change of occupancy, and to require the Amended Certificate of Final Completion and Occupancy to include a reference to the date of the first certificate of occupancy and any subsequent certificates of occupancy that have been issued for the building, excluding the use of an Amended Certificate in RH-1 and RH-1(D) zoning districts; amending the Planning Code by adding Section 359 to provide that a requirement to pay a development impact fee prior to issuance of a certificate of occupancy shall include payment of the fee prior to issuance of an amended certificate of occupancy.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090638 [Accept and Expend Grant - Department of Public Health - $1,925,719]
Supervisors Maxwell, Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant from the California Department of Corrections and Rehabilitation (CDCR) in the amount of $1,925,719 to expand the City's treatment capacity for mentally ill parolees; for the period of June 1, 2009, through June 30, 2012.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:00 P.M.

090600 [Public Hearing - Report of assessment costs for sidewalk and curb repairs]
Hearing of persons interested in or objecting to report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund.

Robert Fong, Street Use and Mapping, Public Works, presented the department's report.

The President inquired as to whether any member of the public wished to address the Board members.

Michael Skinner; objected to the assessment
Male Speaker; objected to the assessment
Gary Lynch; Monte Carlo Restaruant, objected to the assessment

The President declared the public hearing closed.
HEARD AT PUBLIC HEARING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090601 **[Report of assessment costs for sidewalk and curb repairs]**

Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund.

The following properties were removed from the report of assessmenet costs for sidewalk and curb repairs ordered to be performed by the Director of Public Works: 2246 Francisco St., 1649 La Salle Ave., 1505 Quesada Ave.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Mar, seconded by Supervisor Avalos, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mar introduced, welcomed, and presented a Certificate of Honor to Reverend John Oda in recognition his work in the community and the church.

COMMITTEE REPORTS

090630 **[Maintenance Agreement with Caltrans for various locations throughout the City]**

Supervisor Chu

Resolution approving a Maintenance Agreement between the City and County of San Francisco and the State of California Department of Transportation (Caltrans) concerning maintenance work to be performed by the City in the State right-of-way at Junipero Serra Boulevard, Nineteenth Avenue, Cross-Over Drive, By-Pass Drive, Park Presidio Boulevard, Skyline Boulevard, Sloat Boulevard, James Lick Freeway, San Jose Avenue, Bayshore Freeway, Central Freeway, Mission Street, South Van Ness Avenue, Van Ness Avenue, Lombard Street, Richardson Street, Southern Freeway and ratifying certain actions in connection with this Resolution.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090670 **[Temporary Parking Restrictions]**

Ordinance amending San Francisco Transportation Code, Division I, by amending Section 3.4 to change existing posting requirements for temporary parking restriction signs for parades, public assemblies, film production, conflagrations, building collapses and street obstructions and repairs. (Municipal Transportation Agency)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Appointment of President Pro Tempore

At the request of the President, Supervisor Elsbernd assumed the Chair. The President resumed the Chair shortly thereafter.

PUBLIC COMMENT

Abdullah Megaheed; expressed concern with various issues in Arabic and English.
Richard Robinson; expressed concern with issues relating to the trade imbalance with China.
James Chaffee; expressed concern with issues relating to the SF Public Library.
Champaine Brown, Serina Brown and Paula Brown; expressed concerns with investigation of the murder of Audrey Abrakasa Jr. and others.
Ms. Walters; expressed concern with issues relating to open space and parks.
Charles Mester; expressed concern with issues relating to unjustified persecution.
Richard McRee; expressed concern with issues relating to his patent for the Sigmund Stern Grove.
Male Speaker; expressed concern with issues relating to racism.
Female Speaker; expressed concern with issues relating to oil extraction tax and the budget.
Bruce Livingston; expressed concern with issues relating to alcohol tax.
Walter; shared in song certain issues with the Board.
Paul Stoll; expressed concern with issues relating to license fee increases.
Sasa Meritt; expresed concern with issues relating to license fee increases.
Male Speakers; expressed concern with various issues.
Leam Froth; expressed concern with issues relating to various police issues.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

090743 **[Accept and Expend State Grant - Port of San Francisco - $25,000]**

Supervisor Alioto-Pier

Resolution authorizing the Port of San Francisco to accept and expend a grant in the amount of $25,000 from the California Department of Fish and Game, Oil Spill Prevention and Response division for purchase of oil spill response equipment.

ADOPTED

090748 **[Recognizing the fortieth anniversary of the Stonewall Riots]**
Supervisors Dufty, Campos, Mirkarimi, Avalos

Resolution recognizing the fortieth anniversary of the Stonewall Riots and the profound influence they have had on the fight for equality for LGBT Americans.

Supervisor Avalos requested to be added as a co-sponsor.
ADOPTED

090745 **[Urging the Metropolitan Transportation Commission to reallocate funds from highway expansion to public transit and environment- and community-friendly highway designs]**
Supervisors Chiu, Dufty, Mar

Resolution urging the Metropolitan Transportation Commission and other local, regional and state agencies to re-allocate funds currently dedicated to regional highway expansion towards improvements to public transit in the region; urging MTC and other regional and state agencies to adopt management and design programs for state highways that lessen the environmental burdens imposed by highways on adjacent communities, and enhances mobility by sustainable transportation modes.

Supervisors Dufty and Mar requested to be added as co-sponsors.
ADOPTED

090747 **[Commending Helen Diller on her dedicated service to San Francisco]**
Supervisor Dufty

Resolution commending Helen Diller on her dedicated service to the City and County of San Francisco through her contributions to health research, education and philanthropy.

ADOPTED

The foregoing items were acted upon by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Chiu requested that this matter be severed so that it might be considered separately.

090741 **[Authorizing City officials the ability to execute Homeland Security Grants]**
Supervisor Alioto-Pier

Resolution authorizing designated City and County officials to execute and file on behalf of the City and County of San Francisco, a public entity established under the laws of the State of the California, any applications or agreements and to take any actions necessary to obtain federal financial assistance provided by the Federal Department of Homeland Security and sub-granted through the State of California, including the following grants: State Homeland Security Grant Program, Metropolitan Medical Response System and Citizen Corps Program.

Supervisor Daly requested that this matter be referred to Committee.
REFERRED to the Budget and Finance Committee.

Supervisor Chiu requested that this matter be severed so that it might be considered separately.

090742 **[Homeland Security Grants]**
Supervisor Alioto-Pier

Resolution authorizing designated City and County officials to execute and file on behalf of the City and County of San Francisco, a public entity established under the laws of the State of California, any actions necessary for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security and sub-granted through the State of California under various grant programs, including: the FY 09 Homeland Security Grant Program for the FY 09 Urban Areas Security Initiative (UASI) grant, the FY 09 Buffer Zone Protection Program (BZPP) grant, the FY 09 Regional Catastrophic Preparedness Grant Program (RCPGP), the FY 09 Interoperable Emergency Communications Grant Program (IECGP) and Public Law 110-329.

Supervisor Daly requested that this matter be referred to Committee.

REFERRED to the Budget and Finance Committee.

Supervisor Daly requested that this matter be severed so that it might be considered separately.

090744 **[2010 Census Count]**
Supervisors Chiu, Chu, Campos, Dufty, Mar, Avalos

Resolution calling for an accurate, fair and inclusive count of all San Francisco residents in the 2010 Census.

Supervisors Mar and Avalos requested to be added as co-sponsors.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Resolution be ADOPTED AS AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

090749 **[State cuts to UC Hastings budget]**
Supervisors Elsbernd, Daly, Chiu, Mirkarimi, Alioto-Pier, Avalos, Campos, Chu, Dufty, Mar, Maxwell

Resolution recognizing the educational, economic and pro-bono contributions of the University of California, Hastings – College of the Law to the State of California and the City and County of San Francisco, and urging the Governor and the California Legislature to reverse the Governor's proposal to eliminate all state funding for the school.

The entire Board of Supervisors requested to be sponsors of this item.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Dufty requested that this matter be severed so that it might be considered separately.

090746 **[Calling for an interagnecy task force to investigate and prosecute the existing SFPD Fraud Section backlog of reproted fraud crime]**
Supervisors Dufty, Campos, Mirkarimi, Alioto-Pier, Chiu

Resolution calling for the creation of an interagency task force of local authorities, federal authorities and businesses to investigate and prosecute fraud crime.

Supervisor Dufty, seconded by Supervisor Elsbernd, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Resolution calling for an interagency task force of local authorities, federal authorities and businesses to investigate and prosecute fraud crime reported to the SFPD.

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Maxwell requested that this matter be severed so that it might be considered separately.

090750 **[Issuance and Sale of Revenue Bonds - 2235 Third Street Apartments]**
Supervisor Maxwell

Resolution approving the issuance and sale of tax-exempt bonds by the Association of Bay Area Governments (ABAG) Finance Authority For Nonprofit Corporations in an aggregate principal amount not to exceed $50,000,000 for financing the acquisition, construction and rehabilitation of 2235 Third Street Apartments, subject to the policies for such approvals adopted by the Board of Supervisors in Ordinance No. 36-07.

06/09/09 - Amended on page 1, line 13 to insert "179-unit" in place of "200-unit".

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Resolution be AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mirkarimi requested that this matter be severed so that it might be considered separately.

090751 **[Urging San Francisco's representatives in the California Senate and Assembly to modify the definition of a "change of ownership" for commercial property and to draft a State constitutional amendment creating a split-roll property tax]**
Supervisors Mirkarimi, Chiu, Campos, Maxwell, Mar, Avalos

Resolution urging San Francisco's representatives in the California Senate and Assembly to modify the definition of a "change of ownership" for commercial property and to draft a state constitutional amendment creating a split-roll property tax.

Supervisors Mar and Avalos requested to be added as co-sponsors.

CONTINUED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved that this Resolution be PREVIOUS VOTE RESCINDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Continued to June 16, 2009.

Supervisor Mirkarimi requested that this matter be severed so that it might be considered separately.

090753 **[Selection of independent City auditors]**
Supervisor Mirkarimi

Resolution selecting independent auditors for the Controller's office and the separately audited departments of the City and authorizing a two-year contract with the selected audit firm with five years worth of options for renewal.

Supervisor Mirkarimi requested that this matter be referred to Committee.

REFERRED to the Budget and Finance Committee.

Supervisor Mirkarimi requested that this matter be severed so that it might be considered separately.

090754 **[Amending the California Constitution to restore majority rule to all budgetary and revenue issues]**
Supervisors Mirkarimi, Dufty, Mar, Avalos

Resolution urging San Francisco's California State legislative delegation to draft an amendment to the California Constitution restoring majority rule to all budgetary and revenue issues decided in the State of California.

Supervisors Mar and Avalos requested to be added as co-sponsors.

CONTINUED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Resolution be PREVIOUS VOTE RESCINDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Continued to June 16, 2009.

Supervisor Mirkarimi requested that this matter be severed so that it might be considered separately.

090752 **[Authorization of issuance of demolition permit to Kaiser Permanente]**
Supervisor Mirkarimi

Resolution authorizing the issuance of a demolition permit by the San Francisco Planning Department and/or the Department of Building Inspection to Kaiser Permanente for residential property at 1401-1417 Divisadero.

Supervisor Mirkarimi requested that this matter be referred to Committee.
REFERRED to the Land Use and Economic Development Committee.

OFF-AGENDA LEGISLATION

PROPOSED RESOLUTIONS

090755 **[Street Artist Spaces]**
Resolution approving permanent designation of nine (9) former temporary selling spaces for weekend usage on Market Street, north side, at Steuart Street, for street artists certified by the Arts Commission, City and County of San Francisco; exempting said spaces from the regulations of Police Code Section 2405 relating to street artist display size and bus zone. (Arts Commission)
5/27/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090756 **[Approval of FY09-10 Expenditure Plan for the Human Services Care Fund]**
Resolution approving the FY09-10 Expenditure Plan for the Human Services Care Fund. (Human Services Department)
5/29/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090757 **[Nineteenth Amendment to the Treasure Island Event Venues Master Lease]**
Resolution retroactively approving the Nineteenth Amendment to the Treasure Island Event Venues Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term. (Treasure Island Development Authority)
5/29/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090758 **[Twentieth Amendment to the Treasure Island Event Venues Master Lease]**
Resolution retroactively approving the Twentieth Amendment to the Treasure Island Event Venues Master Lease between the Treasure Island Development Authority and the U.S. Navy to add the unimproved lot surrounding Building 449 to the Leased Premises. (Treasure Island Development Authority)
5/29/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090759 **[Thirtieth Amendment to the Treasure Island Land and Structures Master Lease]**

Resolution retroactively approving the Thirtieth Amendment to the Treasure Island Land and Structures Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term. (Treasure Island Development Authority)

5/29/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090760 **[Thirty-First Amendment to the Treasure Island Land and Structures Master Lease]**

Resolution retroactively approving the Thirty-First Amendment to the Treasure Island Land and Structures Master Lease between the Treasure Island Development Authority and the U.S. Navy to add Building 202 to the Leased Premises. (Treasure Island Development Authority)

5/29/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090761 **[Thirty-Second Amendment to the Treasure Island Land and Structures Master Lease]**

Resolution retroactively approving the Thirty-Second Amendment to the Treasure Island Land and Structures Master Lease between the Treasure Island Redevelopment Authority and the U.S. Navy to add Buildings 29, 157, 215, 225, 261A, 264, 292, 401 and the lot surrounding Building 450 in the Leased Premises. (Treasure Island Development Authority)

5/29/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090762 **[Twelfth Amendment to the Treasure Island Marina Master Lease]**

Resolution retroactively approving the Twelfth Amendment to the Treasure Island Marina Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term. (Treasure Island Development Authority)

5/29/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090763 **[Twenty Third Amendment to the Treasure Island South Waterfront Master Lease]**

Resolution retroactively approving the Twenty Third Amendment to the Treasure Island South Waterfront Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term. (Treasure Island Development Authority)

5/29/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090764 **[Twenty-Fourth Amendment to the Treasure Island South Waterfront Master Lease]**

Resolution retroactively approving the Twenty-Fourth Amendment to the Treasure Island South Waterfront Master Lease between the Treasure Island Development Authority and the U.S. Navy to add Buildings 355, 385, 454, 501 and the portion of Avenue I between 3rd Street and California Avenue to the Leased Premises. (Treasure Island Development Authority)

5/29/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090765 **[80 Charter Oak Street Lease Amendment]**

Resolution authorizing a Lease Amendment to extend the term for five years for real property at 80 Charter Oak Street for the San Francisco Municipal Transportation Agency. (Real Estate Department)

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090766 **[1975-1999 Bryant Street Lease Amendment]**

Resolution authorizing a Lease Amendment to extend the term for five years for real property at 1975-1999 Bryant Street for the San Francisco Municipal Transportation Agency. (Real Estate Department)

6/1/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:46 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

VOTES

MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT

JUN 1 8 2009

SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, June 16, 2009 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Chu, Campos, Dufty	Wednesday 1:30 PM
Budget and Finance Subcommittee Supervisors Avalos, Mirkarimi, Chu	Wednesday 11:00 AM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly, Alioto-Pier	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Campos, Mirkarimi, Alioto-Pier	1st and 3rd Monday 11:00 AM
Rules Committee Supervisors Daly, Chu, Campos	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Eric Mar, Sophie Maxwell, Ross Mirkarimi.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:07 p.m. On the call of the roll, Supervisors Alioto-Pier and Elsbernd were noted absent. There was a quorum.

Supervisor Alioto-Pier was noted present at 2:10 p.m.
Supervisor Alioto-Pier was noted absent at 2:30 p.m.; was noted present at 2:35 p.m.
Supervisor Daly was noted absent at 2:50 p.m.; was noted present at 3:01 p.m.

Supervisor Elsbernd Excused from Voting

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved to execuse Supervisor Elsbernd from voting. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Avalos, moved to approve the Board Meeting Minutes of May 19, 2009, and May 27, 2009. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

090543 [Revising Board of Appeals Filing Fees]
Mayor

Ordinance amending Article 1, Section 8, of the San Francisco Business and Tax Regulations Code, to increase specified Board of Appeals filing fees, to make technical corrections, and making environmental findings.

FINALLY PASSED

Recommendation of the Budget and Finance Subcommittee

090587 **[Appropriating $14,152,000 to support cost overruns at San Francisco General and Laguna Honda Hospitals in the Department of Public Health for Fiscal Year 2008-2009]**
Mayor

Ordinance appropriating $14,152,000 including $12,051,000 from surplus hospital revenues at San Francisco General Hospital, $1,891,000 from surplus Department of Public Health General Fund revenues, and $210,000 from surplus hospital revenues at Laguna Honda Hospital, for cost overruns at San Francisco General Hospital and Laguna Honda Hospital in the Department of Public Health for Fiscal Year 2008-2009.

(Fiscal Impact.)

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

090628 **[Accept and Expend Grant - Department of Public Health - $200,000]**
Supervisors Campos, Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of $200,000 from the Metta Fund to support the Healthy San Francisco (HSF) program evaluation for the period of April 29, 2009, through April 28, 2011.

ADOPTED

090629 **[Accept and Expend Grant - Department of Public Health - $50,000]**
Supervisors Campos, Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of $50,000 from the Commonwealth Fund to support the Healthy San Francisco program evaluation for the period of March 1, 2009, through February 28, 2010.

ADOPTED

090632 **[Accept and Expend Grant - Department of Public Health - $102,421]**
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to retroactively accept and expend funds from the Foundation for AIDS Research (amfAR) in the amount of $102,421 to support the HIV Epidemiology project entitled "Assessing Internet Users Preferences for Structural and Network Interventions;" for the period of January 1, 2009, through December 31, 2009.

ADOPTED

Recommendations of the Land Use and Economic Development Committee

090670 **[Temporary Parking Restrictions]**

Ordinance amending San Francisco Transportation Code, Division I, by amending Section 3.4 to change existing posting requirements for temporary parking restriction signs for parades, public assemblies, film production, conflagrations, building collapses and street obstructions and repairs. (Municipal Transportation Agency)

FINALLY PASSED

081525 **[Sale of City Property Subject to Declaration of Convenants]**
Mayor

Ordinance authorizing the sale of twelve City-owned properties located along the former Central Freeway right of way and the newly constructed Octavia Boulevard by public auction or pursuant to negotiated purchase and sale agreements and subject to a declaration of covenants; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the sales are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing other actions in furtherance of this ordinance.

FINALLY PASSED

090026 **[Requiring Amended Certificates of Final Completion and Occupancy for Changes of Occupancy of Existing Buildings]**
Supervisors Mirkarimi, Chiu, Mar

Ordinance amending the San Francisco Building Code by amending Section 109A to provide that an Amended Certificate of Final Completion and Occupancy shall be issued for an existing building where there is an increase in the number of legal dwelling units resulting in a change of occupancy, and to require the Amended Certificate of Final Completion and Occupancy to include a reference to the date of the first certificate of occupancy and any subsequent certificates of occupancy that have been issued for the building, excluding the use of an Amended Certificate in RH-1 and RH-1(D) zoning districts; amending the Planning Code by adding Section 359 to provide that a requirement to pay a development impact fee prior to issuance of a certificate of occupancy shall include payment of the fee prior to issuance of an amended certificate of occupancy.

FINALLY PASSED

Recommendations of the Rules Committee

090501 **[Settlement of Lawsuits - Transdyn/Cresci Joint Venture totaling $5,923,143.27]**
Ordinance authorizing settlement of lawsuits filed by Transdyn/Cresci Joint Venture ("Joint Venture") against the City and County of San Francisco (the "City") seeking an unspecified amount of damages; the first lawsuit was filed by JMB Construction, Inc. against the Joint Venture on May 28, 2003, as JMB Construction, Inc. v. Transdyn/Cresci Joint Venture et al. Various cross-actions were filed, including an action filed by the Joint Venture against the City. The actions were coordinated as the SCADA cases in Alameda County Superior Court, JCCP 004364. The action between the Joint Venture and the City went to trial. The jury awarded a net judgment to the Joint Venture, and the trial court entered judgment (including costs) against the City in the amount of $4,874,200.16. Cross-appeals were filed by both the Joint Venture and the City. The material terms of this settlement are: 1) The City will pay a total of $4,973,143.27 to the Joint Venture for the judgment and interest on the judgment; and 2) The City will pay $950,000 to settle all remaining issues, including the Joint Venture's claim for attorney's fees. (City Attorney)

PASSED ON FIRST READING

090595 **[Settlement of Lawsuit - Daniel Alvarenga - $82,500]**
Ordinance authorizing settlement of the lawsuit filed by Daniel Alvarenga against the City and County of San Francisco for $82,500; the lawsuit was filed on May 11, 2007, in the United States District Court for the Northern District of Illinois, Case No. C07-02526 MEJ, entitled Daniel Alvarenga v. City and County of San Francisco, et al. (City Attorney)

PASSED ON FIRST READING

090596 [Settlement of Lawsuit - Vivian Ross - $50,000]

Ordinance authorizing settlement of the lawsuit filed by Vivian Ross against the City and County of San Francisco for $50,000; the lawsuit was filed on September 7, 2007, in San Francisco Superior Court, Case No. 466-977; entitled Vivian Ross, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED ON FIRST READING

090597 [Settlement of Lawsuit - U.S. Filter, Inc. (Siemens Water Technology Corp.) - $30,000]

Ordinance authorizing settlement of the lawsuit filed by City and County of San Francisco against U.S. Filter, Inc. (Siemens Water Technology Corp.) by accepting the payment of $30,000 to the City and County of San Francisco from U.S. Filter, Inc. (Siemens Water Technology Corp.); the lawsuit was filed on July 11, 2007, in San Francisco Superior Court, Case No. CGC-07-465059; entitled City and County of San Francisco, et al. v. U.S. Filter, Inc. (Siemens Water Technology Corp.), et al. (City Attorney)

PASSED ON FIRST READING

090667 [Settlement of Lawsuit - King, et al. v. City and County of San Francisco - $63,500]

Ordinance authorizing settlement of the class action lawsuit entitled King v. City and County of San Francisco, filed on January 4, 2007, in the Superior Court of California, County of San Francisco, Case No. 459-278. Pursuant to the proposed settlement, the City will spend a minimum of $4 million annually to install and upgrade curb ramps in the City's pedestrian rights of way, and the City will pay an aggregate of $63,500 to plaintiffs and their counsel for damages and attorneys' fees. (City Attorney)

PASSED ON FIRST READING

090500 [Approval of settlement for 800 MHz reconfiguration with Sprint/Nextel]

Resolution approving settlement of administrative action before the Federal Communications Commission, WT docket No. 02-55, involving the City and County of San Francisco against the Sprint/Nextel Corporation for the reconfiguration of the City's 800 MHz Radio Communications System. (City Attorney)

ADOPTED

090668 [Settlement of Unlitigated Claim - Barry Louis Mangels - $100,000]

Resolution approving the settlement of the unlitigated claim filed by Barry Louis Mangels against San Francisco for $100,000; claim was filed on March 11, 2009. (City Attorney)

ADOPTED

090669 [Settlement of Potential Litigation - Dolly A. Cool - $84,126.98]

Resolution authorizing settlement of potential litigation with Dolly A. Cool, individually and in her representative capacity as Trustee of The Cool Family Living Trust dated December 30, 1992, related to encroachments on San Francisco Public Utilities Commission Right of Way Land adjacent to 711 Esther Lane, Redwood City, CA for $84,126.98. (City Attorney)

ADOPTED

090662 [Appointment, Power Plant Task Force - Malik Looper]

Motion appointing Malik Looper, term ending December 31, 2009, to the Power Plant Task Force.

APPROVED

090497 **[Appointments - Treasury Oversight Committee - Dr. Don Griffin, Ben Rosenfield, Joseph Grazioli, Todd Rydstrom and Richard Sullivan]**

Motion appointing Dr. Don Griffin, Ben Rosenfield, Joseph Grazioli, Todd Rydstrom (residency requirement waived) and Richard Sullivan, terms ending June 5, 2013, to the Treasury Oversight Committee. (Treasurer-Tax Collector)

APPROVED

090664 **[Appointment, SRO Task Force - Jeffrey Buckley]**

Motion appointing Jeffrey Buckley, term ending December 31, 2009, to the SRO Task Force.

APPROVED

090666 **[Appointment, San Francisco Health Authority - Steven Fugaro]**

Motion appointing Steven Fugaro, term ending January 15, 2012, to the San Francisco Health Authority, residency requirement waived.

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

090544 **[Revising Board of Appeals Surcharges]**

Mayor

Ordinance amending Section 10G.1 of the San Francisco Administrative Code to adjust the surcharges on permit fees, license fees, permit review fees and permit and license renewal fees imposed by the Department of Building Inspection, the Planning Commission, the San Francisco Municipal Transportation Agency Board of Directors, the Police Department, the Department of Public Works, the Entertainment Commission, the Department of Public Health and the Arts Commission for permits and licenses that may be appealed to the Board of Appeals, and making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090548 [Appropriating $58,747,600 of capital lease revenue for the Advanced Meter Infrastructure Project at the Public Utilities Commission for Fiscal Year 2008-2009]

Mayor, Supervisor Dufty

Ordinance appropriating $58,747,600 of capital lease revenue for the Water Enterprises' Advanced Meter Infrastructure Project and the reimbursement of previously appropriated Water Enterprise Revenues for the same project at the San Francisco Public Utilities Commission for Fiscal Year 2008-2009 and placing the entire appropriation on Controller's reserve pending receipt of the funds.

(Fiscal Impact)

FINALLY PASSED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 1 - Alioto-Pier
Excused: 1 - Elsbernd

Recommendation of the Budget and Finance Subcommittee

090473 [Building and Housing Code - Code Enforcement Fees for One and Two-Family Rental Units]

Supervisors Campos, Chiu, Daly, Mirkarimi, Avalos, Mar, Maxwell

Ordinance amending the San Francisco Building Code Chapter 1A, Section 110A, Table 1A-P, and the San Francisco Housing Code Chapter 3, Section 302 to authorize the Department of Building Inspection to charge a fee of $52.00 per unit to recover the cost of on-going Housing Code enforcement services for one and two-family rental dwellings; and making environmental findings.

(Supervisor Chu dissented in Committee.)

FINALLY PASSED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 1 - Alioto-Pier
Excused: 1 - Elsbernd

Supervisor Chu, seconded by Supervisor Alioto-Pier, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

FINALLY PASSED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Alioto-Pier, Chu
Excused: 1 - Elsbernd

Recommendation of the Government Audit and Oversight Committee

081404 [Mandatory Recycling and Composting]
Mayor, Supervisors Mirkarimi, Daly

Ordinance amending the San Francisco Environment Code by adding Chapter 18, Sections 1801 through 1812, entitled "Mandatory Recycling and Composting Ordinance," amending the San Francisco Public Works Code by amending Section 173, and amending the San Francisco Health Code by amending Sections 291, 291.1, 291.2, 291.4, 291.7, 291.11, 291.12, 291.15, 291.17, and 293.1, and by repealing the current Section 291.16 and adding a new Section 291.16, all to: (1) require all persons located in San Francisco to separate recyclables, compostables and landfilled trash and participate in recycling and composting programs; (2) provide enforcement mechanisms and penalties for violations; (3) ensure that all properties subscribe to refuse collection service; and (4) authorize a Department of Public Health inspection fee of $167 per hour; and making environmental findings and setting an operative date.

(Fiscal Impact.)

FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

NEW BUSINESS

Recommendations of the Budget and Finance

090691 [Interim Consolidated Budget and Annual Appropriation Ordinance, Fiscal Year 2009-2010]
Mayor

Interim Consolidated Budget and Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for fiscal year June 30, 2010.

(Fiscal Impact.)
(Supervisor Chu and Supervisor Dufty dissented in Committee.)

PASSED ON FIRST READING by the following vote:
Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Dufty
Excused: 1 - Elsbernd

090692 **[Interim Annual Salary Ordinance, Fiscal Year 2009-2010]**
Mayor

Interim Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the Fiscal Year ending June 30, 2010, continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor.

(Fiscal Impact.)
(Supervisor Chu and Supervisor Dufty dissented in Committee.)

PASSED ON FIRST READING by the following vote:
Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Dufty
Excused: 1 - Elsbernd

090693 **[Treasure Island Development Authority Interim Budget]**
Mayor

Resolution approving the Interim Budget of the Treasure Island Development Authority for fiscal year 2009-2010.

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

Recommendations of the Budget and Finance Subcommittee

090588 **[Building Code - fee adjustment]**
Mayor, Supervisor Chiu

Ordinance amending the Building Code to amend various sections and fee schedule tables concerning fees, permits requirements and terms, inspections, and other actions; and adopting environmental findings.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090589 **[Electrical Code - permit expiration]**
Mayor, Supervisors Chiu, Chu

Ordinance amending Electrical Code Section 89.1.22 concerning permit expiration and partial refund of fees.

Supervisor Chu requested to be added as a co-sponsor.
PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090590 [Plumbing Code - permit expiration]
Mayor, Supervisors Chiu, Chu

Ordinance amending Plumbing Code Section 103.3.4.1 concerning permit expiration and partial refund of fees.

Supervisor Chu requested to be added as a co-sponsor.
PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

From the Budget and Finance Subcommittee Without Recommendation

090633 [Contract with Titan Outdoor for advertising on San Francisco Municipal Transportation Agency (SFMTA) vehicles and other property]
Supervisor Dufty

Resolution authorizing the San Francisco Municipal Transportation Agency (SFMTA) to execute a transit advertising contract with Titan Outdoor LLC, for a term commencing July 1, 2009, and ending June 30, 2014, which offers a minimum guarantee to the SFMTA of $22,102,525 over the term of the contract.

Gail Stein, MTA, responded to questions raised throughout the discussion.
ADOPTED by the following vote:
Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Excused: 1 - Elsbernd

Recommendations of the Government Audit and Oversight Committee

090639 [MOU, Amendment #2 - Union of American Physicians and Dentists (Unit 11-AA)]
Mayor

Ordinance adopting and implementing Amendment #2 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 11-AA) by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090640 [MOU, Amendment #1 - Multiple Unions (Crafts Coalition)]
Mayor

Ordinance adopting and implementing Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Bricklayers and Allied Crafts, Local 3; Hod Carriers, Local 166; Building Inspectors' Association; The Northern California Carpenters Regional Council, Local 22; Carpet, Linoleum and Soft Tile Workers, Local 12; Cement Masons, Local 300; Glaziers, Architectural Metal and Glass Workers, Local Union No. 718; International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artist and Allied Crafts of the United States, Its Territories and Canada, Local 16; International Association of Bridge, Structural, Ornamental, Reinforcing Iron Workers, Riggers and Machinery Movers, Local 377; Auto, Marine and Specialty Painters, Local Union No. 1176; Pile Drivers, Divers, Carpenters, Bridge, Wharf and Dock Builders, Local Union No. 34; Plasterers and Shophands, Local 66; United Union of Roofers, Waterproofers and Allied Workers, Local 40; Sheet Metal Workers International Union, Local 104; Teamsters, Local 853, by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal year 2009-2010.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090641 [MOU, Amendment #1 - San Francisco Institutional Police Officers' Association]
Mayor

Ordinance adopting and implementing the mediated settlement that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Institutional Police Officers' Association, by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal year 2009-2010.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090642 [MOU - International Brotherhood of Electrical Workers Local Union 6, AFL-CIO]
Mayor

Ordinance adopting and implementing the arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the International Brotherhood of Electrical Workers Local Union 6, AFL-CIO, to be effective July 1, 2009, through June 30, 2010.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090643 [MOU, Amendment #1 - Municipal Executives' Association Fire]
Mayor

Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association Fire by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090644 [MOU, Amendment #1 - Municipal Executives' Association Police]
Mayor

Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association Police by extending the term of the parties' Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for fiscal years 2009-2010, 2010-2011, and 2011-2012.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090645 [MOU, Amendment #1 - San Francisco Police Officers' Association (P1 and P2A)]
Mayor

Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association (P1 and P2A) by extending the term of the parties' Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for fiscal years 2009-2010, 2010-2011, and 2011-2012.

PASSED ON FIRST READING by the following vote:
Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Excused: 1 - Elsbernd

090646 [MOU, Amendment #1 - San Francisco Police Officers' Association (P2-B)]
Mayor

Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association (P2-B) by extending the term of the parties' Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for fiscal years 2009-2010, 2010-2011, and 2011-2012.

PASSED ON FIRST READING by the following vote:
Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Excused: 1 - Elsbernd

090647 [MOU, Amendment #1 - Transport Workers Union of America, AFL-CIO, Local 250-A (Non-MTA 7410)]
Mayor

Ordinance adopting and implementing the modified arbitration award that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 250-A (Non-MTA 7410), by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090648 [MOU, Amendment #1 - Transport Workers Union of America, AFL-CIO, Local 250-A (Multi-Unit)]
Mayor

Ordinance adopting and implementing the modified arbitration award that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 250-A (Multi-Unit), by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090649 [MOU, Amendment #3 - Union of American Physicians and Dentists (Unit 8-CC)]
Mayor

Ordinance adopting and implementing Amendment #3 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 8-CC) by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090650 [Unrepresented Employees]
Mayor

Ordinance fixing compensation for persons employed by the City and County of San Francisco whose compensations are subject to the provisions of Section A8.409 of the Charter, in job codes not represented by an employee organization, and establishing working schedules and conditions of employment and, methods of payment, effective July 1, 2009.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090673 [MOU, Amendment #1 - Transport Workers Union of America, AFL-CIO, Local 200]
Mayor

Ordinance adopting and implementing the mediated settlement that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 200, by extending the terms of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal year 2009-2010.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090674 [MOU, Amendment #1 - San Francisco Deputy Probation Officers' Association]
Mayor

Ordinance adopting and implementing the mediated settlement that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Deputy Probation Officers' Association, by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal year 2009-2010.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090675 [MOU, Amendment #1 - Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO, Supervising Probation Officers]
Mayor

Ordinance adopting and implementing the Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO, Supervising Probation Officers, by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal year 2009-2010.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090676 [MOU, Amendment #3 - Service Employee International Union, Local 1021]
Mayor

Ordinance adopting and implementing Amendment #3 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 1021 by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2008-2009, 2009-2010 and 2010-2011.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090677 [MOU, Amendment #1 - Service Employee International Union, Staff Per Diem Nurses, Local 1021]
Mayor

Ordinance adopting and implementing Amendment #1 to the 2007-2010 Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 1021 Staff & Per Diem Nurses by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal year 2009-2010 and 2010-2011.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090680 [MOU, Amendment #1 - District Attorney Investigators' Association]
Mayor

Ordinance adopting and implementing the mediated settlement that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the San Francisco District Attorney Investigators' Association, by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090681 [MOU, Amendment #1 - Committee of Interns and Residents, Service Employee International Union, Local 1021]
Mayor

Ordinance adopting and implementing the mediated settlement that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the California Association of Interns and Residents/Committee of Interns and Residents, SEIU, by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2008-2009, 2009-2010 and 2010-2011.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090682 [MOU, Laborers International Union, Local 261]
Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Laborers International Union, Local No. 261, to be effective July 1, 2009, through June 30, 2011.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090683 [MOU, Stationary Engineers, Local 39]
Mayor

Ordinance adopting and implementing the arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the International Union of Operating and Stationary Engineers, Local 39, to be effective July 1, 2009, through June 30, 2010.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090684 [MOU, Amendment #2 - Operating Engineers, Local 3]
Mayor

Ordinance adopting and implementing Amendment #2 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

Continued to June 23, 2009.

Supervisor Mar, seconded by Supervisor Maxwell, moved that this Ordinance be CONTINUED ON FIRST READING. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090685 [MOU, Amendment #3 - San Francisco Municipal Attorneys' Association]
Mayor

Ordinance adopting and implementing Amendment #3 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Municipal Attorneys' Association by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090686 [MOU, Amendment #2 - Machinists Union, Local 1414, International Association of Machinists & Aerospace Workers, Machinists Automotive Trades District Lodge 190]
Mayor

Ordinance adopting and implementing Amendment #2 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Automotive Machinists Union, Local 1414, Machinists Automotive Trades District 190, International Association of Machinists and Aerospace Workers by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090687 [MOU, Amendment #3 - Municipal Executives' Association, Misc.]
Mayor

Ordinance adopting and implementing Amendment #3 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090688 **[MOU, Amendment #2 - United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38]**

Mayor

Ordinance adopting and implementing Amendment #2 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38 by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090689 **[MOU, Amendment #2 - International Federation of Professional and Technical Employees, AFL-CIO, Local 21]**

Mayor

Ordinance adopting and implementing the Amendment #2 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the International Federation of Professional and Technical Employees, AFL-CIO, Local 21, by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2008-2009, 2009-2010 and 2010-2011.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

Recommendations of the Land Use and Economic Development Committee

090392 **[Zoning - Ordinance amending Planning Code Section 309.1]**

Ordinance amending Section 309.1 to the Planning Code to allow a design review exception for Downtown Residential districts permitting minor height measurement modifications that could otherwise be modified as a Planned Unit Development pursuant to Section 304. (Planning Department)

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Chu, Dufty, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Absent: 1 - Alioto-Pier
Excused: 1 - Elsbernd

090420 **[India Basin Industrial Park, Special Use District Amendment]**

Supervisor Maxwell

Ordinance amending the San Francisco Planning Code by amending Section 249.42 to exempt the India Basin Industrial Park Special Use District from minimum off-street parking requirements; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Absent: 1 - Alioto-Pier
Excused: 1 - Elsbernd

090402 [Zoning - New Controls for Massage Establishments]
Mayor, Supervisors Chu, Chiu

Ordinance amending Planning Code Sections 790.60, 890.60 and 218.1 to restrict permitted accessory massage uses and to make all other massage establishments, as defined, except chair massage in plain view of the public, subject to a conditional use permit; amending Planning Code Section 303 to list additional criteria for the Planning Commission to consider when analyzing conditional use applications for massage establishments; amending the tables at Sections 218.1, 714.1, 715.1, 810.1, 811.1, and 812.1, to change massage establishments from a permitted use to a conditional use in the PDR 1, or Light Industrial Buffer, and PDR 2, or Production, Distribution, and Repair Districts, and in the Broadway Neighborhood Commercial District, the Castro Neighborhood Commercial District, and the Chinatown Mixed Use Districts; amending Planning Code Sections 790.114 and 890.114, to add massage establishments that employ only state-certified massage practitioners to the definitions of Medical Services in the Neighborhood Commercial Districts and Mixed Use Districts, respectively; and adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Absent: 1 - Alioto-Pier
Excused: 1 - Elsbernd

090403 [Penalties for violation of Massage Practitioner Licensing and Regulation Ordinance]
Mayor, Supervisor Chu

Ordinance amending Health Code Sections 1918 and 1928 to change the hours of permitted operation for massage establishments and to revise the penalties for violating Health Code Sections 1900 et seq., adding Health Code Section 1928.1 to provide for payment of the costs of administrative and other proceedings, and adding Health Code Section 1928.2 to provide for criminal penalties.

Dr. Rajiv Bhatia, DPH, responded to questions raised throughout the discussion.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Mar, Maxwell, Mirkarimi
Absent: 1 - Daly
Excused: 1 - Elsbernd

Recommendations of the Rules Committee

090602 [Confirming the appointment of Jean-Paul Samaha to the Treasure Island Development Authority Board of Directors]

Motion confirming the appointment of Jean-Paul Samaha to the Treasure Island Development Authority Board of Directors for the unexpired portion of a four-year term ending February 26, 2010. (Mayor)

(Directors appointed by the Mayor who are not City Officers, their appointment(s) shall be effective upon the approval of such appointment(s) by a majority of the Board of Supervisors. Transmittal date - May 19, 2009)

Continued to June 23, 2009.

Supervisor Dufty, seconded by Supervisor Avalos, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

Supervisor Alioto-Pier, seconded by Supervisor Chu, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

APPROVED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Mar, Maxwell, Mirkarimi
Absent: 1 - Daly
Excused: 1 - Elsbernd

From the Rules Committee Without Recommendation

090007 [Requiring that one-time revenues be spent only for one-time uses, unless otherwise authorized by the Board of Supervisors]

Supervisors Elsbernd, Chu

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco by adding Section 9.119 to limit the expenditure of one-time revenues to one-time uses, unless the Board of Supervisors waives the limitation for a specific expenditure by a two-thirds' vote, and setting an operative date and an expiration date.

(Supervisor Daly dissented in Committee.)

Continued to June 23, 2009.

Supervisor Chu, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Excused: 1 - Elsbernd

SPECIAL ORDER 3:00 P.M

Board of Supervisors Sitting as a Committee of the Whole

090802 **[Committee of the Whole - Beilenson Hearing]**

Hearing to consider the Department of Public Health's budget eliminating or reducing medical services.

The president opened the public hearing and inquired as to whether any member of the public wished to address the Board members.

Richard; Phillip Collins; Female Speaker; Nathan Slowinski; Male Speaker; Keith Kemp; Male Speaker; Colin Asperee; Female Speaker; Female Speaker; Abdullah Megaheed; Gabriel Shinn; Denise Coleman; Female Speaker; Female Speaker; Feliz Juma; Dino Diodati; Judith Segundom; Greg Kamin; Female Speaker; Pamela Wilson; Dale Eagle; Brenda Storey; Laura Guzman; Linda Fetter; Bob Rybicki; Cameron Amerie; Gail Hilman; Adam; Kym Meadows; Male Speaker; Debra Walker; Female Speaker; Margaret; Robert Solis; Female Speaker; Sarah Richmond; Female Speaker; Anamaria Loyo; Julio Loyola; Julia Dean; Albert James; Female Speaker; Male Speaker; Peter Masiak; Efren Sandoval; Eric Quezada; Chris Kirby; John Power; Mike; Male Speaker; Jackie Jenks; Jeannie Little; Paul Martin; Damien Chacona; Jacienda Leon; Male Speaker; Female Speaker; Ed Kinchley; Alex Tom; Mel Beette; Lucia Sommers; Karl Griffin; Mark Sigam; Sean Mikes; Georgio; Eric Gaines; Joe Covain; Male Speaker; Male Speaker; Male Speaker; Frank Martin Del Campo; Male Speaker; Denice Dorey; Susan Marsh; Michael Lyon; Kay Walker; Herbert Weiner; Male Speaker; Walter James; Kavoos Bassiri; Female Speaker; Michael Guzman; Fred Johnson; Dr. Angela Angstmann; Janet Roy; Max Cappensol; Justine Tam-Middleton; Female Speaker; James Keys; Leslie Derme; Male Speaker; Denise Macke; Brenda Barros; Male Speaker; Jace Anderson; Erica Arteseros; Horner Davis; Jennifer Friedabach; Ari Gubner; Aaron Buchbinder; Janice Day; Erica Cassanova; and Betty Lerman; expressed concerns with the proposed reductions in the budget for the Department of Public Health. There were no other speakers.

The President declared the public hearing closed.
FILED.

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Campos, seconded by Supervisor Avalos, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

Supervisor Campos introduced, welcomed, and presented a Certificates of Honor to Mission Graduates: Marfeli Luna, Danelia Lopez, Gerardo Juarez, and Gabriela Herrerra upon their graduation and in recognition of their accomplishments.

COMMITTEE REPORT

090740 [Resolution urging Attorney General Jerry Brown to reject evidence gained through the use of torture]
Supervisors Mar, Maxwell, Mirkarimi, Daly

Resolution urging Attorney General Jerry Brown to reject evidence gained through the use of torture and to drop the charges against the "San Francisco 8" defendants.

Continued to July 7, 2009.

Supervisor Mar, seconded by Supervisor Avalos, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Dufty
Excused: 1 - Elsbernd

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

There were no speakers.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

090801 [Committee of the Whole - Health service reductions (Beilenson Hearing) June 16, 2009, at 3:00 p.m.]

Motion scheduling the Board to sit as a Committee of the Whole to consider health service reductions (Beilenson Hearing), to be held on June 16, 2009, at 3:00 p.m.

APPROVED

090803 [Opposing Governor's proposal to eliminate the San Francisco Bay Conservation and Development Commission]
Supervisors Chiu, Maxwell

Resolution urging Governor Schwarzenegger and the State Legislature to not eliminate the San Francisco Bay Conservation and Development Commission.

ADOPTED

090804 [Extending the life of Western SoMa Citizens Planning Task Force]
Supervisor Daly

Resolution extending the life of the Western SoMa Citizens Planning Task Force.

ADOPTED

090805 **[Urging the State of California to fund HIV/AIDS programs proposed for cuts in the FY 2009-2010 State budget]**
Supervisors Dufty, Campos, Daly, Mirkarimi

Resolution calling on the Governor and California Legislature to fully fund HIV/AIDS programs proposed to be cut in the FY 2009-2010 State budget.

ADOPTED

090806 **[Commending Sandy Lee of the Recreation and Park Department for 34 years of service]**
Supervisor Dufty

Resolution commending Sandy Lee of the Recreation and Park Department upon the occasion of her retirement after 34 years of service.

ADOPTED

090807 **[Accept and Expend Grant - Department of Public Health - $15,369]**
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH), to accept and expend retroactively a grant in the amount of $15,369 from the University of California, San Francisco (UCSF), the primary contractor, with funds from the Futures Group International, to support a project entitled "Project SEARCH Nigeria HIV Prevention Project;" for the period of April 1, 2009, through September 30, 2009.

ADOPTED

The foregoing items were acted upon by the following vote:
Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Mar, Maxwell, Mirkarimi
Absent: 1 - Daly
Excused: 1 - Elsbernd

Severed From the For Adoption Without Committee Reference Agenda

Supervisors Mirkarimi and Alioto-Pier both requested that these matter be severed so that they might be considered separately.

090751 **[Supporting an equitable split-roll property tax]**
Supervisors Mirkarimi, Chiu, Campos, Maxwell, Mar, Avalos

Resolution urging San Francisco's representatives in the California Senate and Assembly to modify the definition of a "change of ownership" for commercial property and to draft a state constitutional amendment creating a split-roll property tax.

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

Resolution supporting a constitutional amendment to implement an equitable split-roll property tax and urging San Francisco's representatives in the California Senate and Assembly to continue to work to modify the definition of a "change of ownership" for commercial property.

ADOPTED AS AMENDED by the following vote:
Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 1 - Alioto-Pier
Excused: 1 - Elsbernd

090754 [Supporting a California Constitutional Amendment to restore majority rule to all budgetary and revenue issues decided by the State legislature]
Supervisors Mirkarimi, Dufty, Mar, Avalos, Campos, Chiu

Resolution urging San Francisco's California State legislative delegation to draft an amendment to the California Constitution restoring majority rule to all budgetary and revenue issues decided in the State of California.

Supervisors Campos and Chiu requested to be added as co-sponsors.

Supervisor Mirkarimi, seconded by Supervisor Mar, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

Resolution supporting the advocates who are working to place a California Constitution Amendment on the ballot to restore majority rule to all budgetary and revenue issues decided by the state legislature.

ADOPTED AS AMENDED by the following vote:
Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Alioto-Pier, Chu
Excused: 1 - Elsbernd

IMPERATIVE AGENDA

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

090783 [Settlement of Lawsuit - Jane Martin and David Baker - $190,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Jane Martin and David Baker against the City and County of San Francisco for $190,000; the lawsuit was filed on January 31, 2005 in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

6/2/09, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

090784 **[Settlement of Unlitigated Claim - Freda Quimbo - $70,000]**

Resolution approving the settlement of the unlitigated claim filed by Freda Quimbo against San Francisco for $70,000; claim was filed on February 11, 2009. (City Attorney)

6/4/09, RECEIVED AND ASSIGNED to Rules Committee.

090785 **[Lease of Real Property at 649-651 Bryant Street]**

Resolution authorizing the lease of property, with a first right of refusal to purchase, comprising approximately 14,000 square feet of improvements upon a lot area of approximately 19,000 square feet, located at 649-651 Bryant Street (Assessor's Block 3777, Lot 050) in San Francisco for the San Francisco Public Utilities Commission. (Real Estate Department)

6/3/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090786 **[Lease of Real Property at 160 South Van Ness Avenue]**

Resolution authorizing the Director of Property to exercise an extension option for a 7-year term for the lease of real property located at 160 South Van Ness Avenue, for the Human Services Agency. (Real Estate Department)

6/8/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090787 **[Lease of Real Property at 100 Larkin Street]**

Resolution authorizing the lease of 683 square feet of space to the Nasra Family Partnership, in the Main Library located at 100 Larkin Street on behalf of the San Francisco Public Library. (Real Estate Department)

6/8/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 7:14 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

VOTES

MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT

JUN 25 2009

SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, June 23, 2009 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Chu, Campos, Dufty	Wednesday 1:30 PM
Budget and Finance Subcommittee Supervisors Avalos, Mirkarimi, Chu	Wednesday 11:00 AM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Campos, Mirkarimi	1st and 3rd Monday 11:00 AM
Rules Committee Supervisors Daly, Chu, Campos	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:08 p.m. On the call of the roll, Supervisor Alioto-Pier was noted absent. There was a quorum.

Supervisor Alioto-Pier was noted present at 2:13 p.m.

COMMUNICATIONS

Supervisor Chiu congratulated Supervisor Elsbernd on the birth of his son 'Michael' and announced the availability of 'wi-fi' in the Board Chamber in partnership with the Department of Telecommunications.

Chris Vien, Director of Department of Telecommunications, spoke of the partnership with the Board of Supervisors.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

090544 **[Revising Board of Appeals Surcharges]**
Mayor

Ordinance amending Section 10G.1 of the San Francisco Administrative Code to adjust the surcharges on permit fees, license fees, permit review fees and permit and license renewal fees imposed by the Department of Building Inspection, the Planning Commission, the San Francisco Municipal Transportation Agency Board of Directors, the Police Department, the Department of Public Works, the Entertainment Commission, the Department of Public Health and the Arts Commission for permits and licenses that may be appealed to the Board of Appeals, and making environmental findings.

FINALLY PASSED

Recommendations of the Budget and Finance Subcommittee

090588 [Building Code - fee adjustment]
Mayor, Supervisor Chiu

Ordinance amending the Building Code to amend various sections and fee schedule tables concerning fees, permits requirements and terms, inspections, and other actions; and adopting environmental findings.

FINALLY PASSED

090589 [Electrical Code - permit expiration]
Mayor, Supervisors Chiu, Chu

Ordinance amending Electrical Code Section 89.1.22 concerning permit expiration and partial refund of fees.

FINALLY PASSED

090590 [Plumbing Code - permit expiration]
Mayor, Supervisors Chiu, Chu

Ordinance amending Plumbing Code Section 103.3.4.1 concerning permit expiration and partial refund of fees.

FINALLY PASSED

Recommendations of the Government Audit and Oversight Committee

090639 [MOU, Amendment #2 - Union of American Physicians and Dentists (Unit 11-AA)]
Mayor

Ordinance adopting and implementing Amendment #2 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 11-AA) by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.

FINALLY PASSED

090640 [MOU, Amendment #1 - Multiple Unions (Crafts Coalition)]
Mayor

Ordinance adopting and implementing Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Bricklayers and Allied Crafts, Local 3; Hod Carriers, Local 166; Building Inspectors' Association; The Northern California Carpenters Regional Council, Local 22; Carpet, Linoleum and Soft Tile Workers, Local 12; Cement Masons, Local 300; Glaziers, Architectural Metal and Glass Workers, Local Union No. 718; International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artist and Allied Crafts of the United States, Its Territories and Canada, Local 16; International Association of Bridge, Structural, Ornamental, Reinforcing Iron Workers, Riggers and Machinery Movers, Local 377; Auto, Marine and Specialty Painters, Local Union No. 1176; Pile Drivers, Divers, Carpenters, Bridge, Wharf and Dock Builders, Local Union No. 34; Plasterers and Shophands, Local 66; United Union of Roofers, Waterproofers and Allied Workers, Local 40; Sheet Metal Workers International Union, Local 104; Teamsters, Local 853, by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal year 2009-2010.

FINALLY PASSED

090641 [MOU, Amendment #1 - San Francisco Institutional Police Officers' Association]
Mayor

Ordinance adopting and implementing the mediated settlement that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Institutional Police Officers' Association, by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal year 2009-2010.

FINALLY PASSED

090642 [MOU - International Brotherhood of Electrical Workers Local Union 6, AFL-CIO]
Mayor

Ordinance adopting and implementing the arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the International Brotherhood of Electrical Workers Local Union 6, AFL-CIO, to be effective July 1, 2009, through June 30, 2010.

FINALLY PASSED

090643 [MOU, Amendment #1 - Municipal Executives' Association Fire]
Mayor

Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association Fire by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.

FINALLY PASSED

090644 [MOU, Amendment #1 - Municipal Executives' Association Police]
Mayor

Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association Police by extending the term of the parties' Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for fiscal years 2009-2010, 2010-2011, and 2011-2012.

FINALLY PASSED

090647 [MOU, Amendment #1 - Transport Workers Union of America, AFL-CIO, Local 250-A (Non-MTA 7410)]
Mayor

Ordinance adopting and implementing the modified arbitration award that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 250-A (Non-MTA 7410), by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

FINALLY PASSED

090648 [MOU, Amendment #1 - Transport Workers Union of America, AFL-CIO, Local 250-A (Multi-Unit)]
Mayor

Ordinance adopting and implementing the modified arbitration award that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 250-A (Multi-Unit), by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

FINALLY PASSED

090649 [MOU, Amendment #3 - Union of American Physicians and Dentists (Unit 8-CC)]
Mayor

Ordinance adopting and implementing Amendment #3 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 8-CC) by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.

FINALLY PASSED

090650 [Unrepresented Employees]
Mayor

Ordinance fixing compensation for persons employed by the City and County of San Francisco whose compensations are subject to the provisions of Section A8.409 of the Charter, in job codes not represented by an employee organization, and establishing working schedules and conditions of employment and, methods of payment, effective July 1, 2009.

FINALLY PASSED

090673 [MOU, Amendment #1 - Transport Workers Union of America, AFL-CIO, Local 200]
Mayor

Ordinance adopting and implementing the mediated settlement that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 200, by extending the terms of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal year 2009-2010.

FINALLY PASSED

090674 [MOU, Amendment #1 - San Francisco Deputy Probation Officers' Association]
Mayor

Ordinance adopting and implementing the mediated settlement that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Deputy Probation Officers' Association, by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal year 2009-2010.

FINALLY PASSED

090675 [MOU, Amendment #1 - Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO, Supervising Probation Officers]
Mayor

Ordinance adopting and implementing the Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO, Supervising Probation Officers, by extending the term of the parties' Agreement through June 30, 2010, and by implementing specified terms and conditions of employment for fiscal year 2009-2010.

FINALLY PASSED

090676 [MOU, Amendment #3 - Service Employee International Union, Local 1021]
Mayor

Ordinance adopting and implementing Amendment #3 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 1021 by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2008-2009, 2009-2010 and 2010-2011.

FINALLY PASSED

090677 [MOU, Amendment #1 - Service Employee International Union, Staff Per Diem Nurses, Local 1021]
Mayor

Ordinance adopting and implementing Amendment #1 to the 2007-2010 Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 1021 Staff & Per Diem Nurses by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal year 2009-2010 and 2010-2011.

FINALLY PASSED

090680 [MOU, Amendment #1 - District Attorney Investigators' Association]
Mayor

Ordinance adopting and implementing the mediated settlement that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the San Francisco District Attorney Investigators' Association, by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.

FINALLY PASSED

090681 [MOU, Amendment #1 - Committee of Interns and Residents, Service Employee International Union, Local 1021]
Mayor

Ordinance adopting and implementing the mediated settlement that establishes Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the California Association of Interns and Residents/Committee of Interns and Residents, SEIU, by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2008-2009, 2009-2010 and 2010-2011.

FINALLY PASSED

090683 [MOU, Stationary Engineers, Local 39]
Mayor

Ordinance adopting and implementing the arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the International Union of Operating and Stationary Engineers, Local 39, to be effective July 1, 2009, through June 30, 2010.

FINALLY PASSED

090685 [MOU, Amendment #3 - San Francisco Municipal Attorneys' Association]
Mayor

Ordinance adopting and implementing Amendment #3 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Municipal Attorneys' Association by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

FINALLY PASSED

090686 [MOU, Amendment #2 - Machinists Union, Local 1414, International Association of Machinists & Aerospace Workers, Machinists Automotive Trades District Lodge 190]
Mayor

Ordinance adopting and implementing Amendment #2 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Automotive Machinists Union, Local 1414, Machinists Automotive Trades District 190, International Association of Machinists and Aerospace Workers by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.

FINALLY PASSED

090688 [MOU, Amendment #2 - United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38]
Mayor

Ordinance adopting and implementing Amendment #2 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38 by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

FINALLY PASSED

090689 **[MOU, Amendment #2 - International Federation of Professional and Technical Employees, AFL-CIO, Local 21]**
Mayor

Ordinance adopting and implementing the Amendment #2 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the International Federation of Professional and Technical Employees, AFL-CIO, Local 21, by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2008-2009, 2009-2010 and 2010-2011.

FINALLY PASSED

Recommendations of the Land Use and Economic Development Committee

090402 **[Zoning - New Controls for Massage Establishments]**
Mayor, Supervisors Chu, Chiu

Ordinance amending Planning Code Sections 790.60, 890.60 and 218.1 to restrict permitted accessory massage uses and to make all other massage establishments, as defined, except chair massage in plain view of the public, subject to a conditional use permit; amending Planning Code Section 303 to list additional criteria for the Planning Commission to consider when analyzing conditional use applications for massage establishments; amending the tables at Sections 218.1, 714.1, 715.1, 810.1, 811.1, and 812.1, to change massage establishments from a permitted use to a conditional use in the PDR 1, or Light Industrial Buffer, and PDR 2, or Production, Distribution, and Repair Districts, and in the Broadway Neighborhood Commercial District, the Castro Neighborhood Commercial District, and the Chinatown Mixed Use Districts; amending Planning Code Sections 790.114 and 890.114, to add massage establishments that employ only state-certified massage practitioners to the definitions of Medical Services in the Neighborhood Commercial Districts and Mixed Use Districts, respectively; and adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

FINALLY PASSED

090420 **[India Basin Industrial Park, Special Use District Amendment]**
Supervisor Maxwell

Ordinance amending the San Francisco Planning Code by amending Section 249.42 to exempt the India Basin Industrial Park Special Use District from minimum off-street parking requirements; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

FINALLY PASSED

Recommendations of the Rules Committee

090501 **[Settlement of Lawsuits - Transdyn/Cresci Joint Venture totaling $5,923,143.27]**

Ordinance authorizing settlement of lawsuits filed by Transdyn/Cresci Joint Venture ("Joint Venture") against the City and County of San Francisco (the "City") seeking an unspecified amount of damages; the first lawsuit was filed by JMB Construction, Inc. against the Joint Venture on May 28, 2003, as JMB Construction, Inc. v. Transdyn/Cresci Joint Venture et al. Various cross-actions were filed, including an action filed by the Joint Venture against the City. The actions were coordinated as the SCADA cases in Alameda County Superior Court, JCCP 004364. The action between the Joint Venture and the City went to trial. The jury awarded a net judgment to the Joint Venture, and the trial court entered judgment (including costs) against the City in the amount of $4,874,200.16. Cross-appeals were filed by both the Joint Venture and the City. The material terms of this settlement are: 1) The City will pay a total of $4,973,143.27 to the Joint Venture for the judgment and interest on the judgment; and 2) The City will pay $950,000 to settle all remaining issues, including the Joint Venture's claim for attorney's fees. (City Attorney)

FINALLY PASSED

090595 **[Settlement of Lawsuit - Daniel Alvarenga - $82,500]**

Ordinance authorizing settlement of the lawsuit filed by Daniel Alvarenga against the City and County of San Francisco for $82,500; the lawsuit was filed on May 11, 2007, in the United States District Court for the Northern District of Illinois, Case No. C07-02526 MEJ, entitled Daniel Alvarenga v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

090596 **[Settlement of Lawsuit - Vivian Ross - $50,000]**

Ordinance authorizing settlement of the lawsuit filed by Vivian Ross against the City and County of San Francisco for $50,000; the lawsuit was filed on September 7, 2007, in San Francisco Superior Court, Case No. 466-977; entitled Vivian Ross, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

090597 **[Settlement of Lawsuit - U.S. Filter, Inc. (Siemens Water Technology Corp.) - $30,000]**

Ordinance authorizing settlement of the lawsuit filed by City and County of San Francisco against U.S. Filter, Inc. (Siemens Water Technology Corp.) by accepting the payment of $30,000 to the City and County of San Francisco from U.S. Filter, Inc. (Siemens Water Technology Corp.); the lawsuit was filed on July 11, 2007, in San Francisco Superior Court, Case No. CGC-07-465059; entitled City and County of San Francisco, et al. v. U.S. Filter, Inc. (Siemens Water Technology Corp.), et al. (City Attorney)

FINALLY PASSED

090667 **[Settlement of Lawsuit - King, et al. v. City and County of San Francisco - $63,500]**

Ordinance authorizing settlement of the class action lawsuit entitled King v. City and County of San Francisco, filed on January 4, 2007, in the Superior Court of California, County of San Francisco, Case No. 459-278. Pursuant to the proposed settlement, the City will spend a minimum of $4 million annually to install and upgrade curb ramps in the City's pedestrian rights of way, and the City will pay an aggregate of $63,500 to plaintiffs and their counsel for damages and attorneys' fees. (City Attorney)

FINALLY PASSED

The foregoing items were acted upon by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Alioto-Pier

Supervisor Dufty, seconded by Supervisor Chu, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the Consent Agenda

Supervisor Elsbernd requested that this matter be severed so that it may be considered separately.

090682 **[MOU, Laborers International Union, Local 261]**

Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Laborers International Union, Local No. 261, to be effective July 1, 2009, through June 30, 2011.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd Excused from Voting

Supervisor Chu, seconded by Supervisor Maxwell, moved to excuse Supervisor Elsbernd from voting. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

090687 **[MOU, Amendment #3 - Municipal Executives' Association, Misc.]**

Mayor

Ordinance adopting and implementing Amendment #3 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association by extending the term of the parties' Agreement through June 30, 2011, and by implementing specified terms and conditions of employment for fiscal years 2009-2010 and 2010-2011.

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

Supervisor Daly requested that this matter be severed so that it may be considered separately.

090403 [Penalties for violation of Massage Practitioner Licensing and Regulation Ordinance]
Mayor, Supervisor Chu

Ordinance amending Health Code Sections 1918 and 1928 to change the hours of permitted operation for massage establishments and to revise the penalties for violating Health Code Sections 1900 et seq., adding Health Code Section 1928.1 to provide for payment of the costs of administrative and other proceedings, and adding Health Code Section 1928.2 to provide for criminal penalties.

FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

090691 [Interim Consolidated Budget and Annual Appropriation Ordinance, Fiscal Year 2009-2010]
Mayor

Interim Consolidated Budget and Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for fiscal year June 30, 2010.

(Fiscal Impact.)
(Supervisor Chu and Supervisor Dufty dissented in Committee.)

FINALLY PASSED by the following vote:
Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

090692 [Interim Annual Salary Ordinance, Fiscal Year 2009-2010]
Mayor

Interim Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the Fiscal Year ending June 30, 2010, continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor.

(Fiscal Impact.)
(Supervisor Chu and Supervisor Dufty dissented in Committee.)

FINALLY PASSED by the following vote:
Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Recommendations of the Government Audit and Oversight Committee

090645 [MOU, Amendment #1 - San Francisco Police Officers' Association (P1 and P2A)]
Mayor

Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association (P1 and P2A) by extending the term of the parties' Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for fiscal years 2009-2010, 2010-2011, and 2011-2012.

FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

090646 [MOU, Amendment #1 - San Francisco Police Officers' Association (P2-B)]
Mayor

Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association (P2-B) by extending the term of the parties' Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for fiscal years 2009-2010, 2010-2011, and 2011-2012.

FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

090684 [MOU, Amendment #2 - Operating Engineers, Local 3]
Mayor

Ordinance adopting and implementing Amendment #2 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Ordinance be TABLED. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Land Use and Economic Development Committee

090392 [Zoning - Ordinance amending Planning Code Section 309.1]

Ordinance amending Section 309.1 to the Planning Code to allow a design review exception for Downtown Residential districts permitting minor height measurement modifications that could otherwise be modified as a Planned Unit Development pursuant to Section 304. (Planning Department)

FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

From the Rules Committee Without Recommendation

090007 [Requiring that one-time revenues be spent only for one-time uses, unless otherwise authorized by the Board of Supervisors]
Supervisors Elsbernd, Chu

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco by adding Section 9.119 to limit the expenditure of one-time revenues to one-time uses, unless the Board of Supervisors waives the limitation for a specific expenditure by a two-thirds' vote, and setting an operative date and an expiration date.

(Supervisor Daly dissented in Committee.)

Continue to June 30, 2009.

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Charter Amendment be CONTINUED. The motion FAILED by the following vote:
Ayes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell
Noes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi

Supervisor Daly, seconded by Supervisor Campos, moved that this Charter Amendment be RE-REFERRED to the Rules Committee. The motion carried by the following vote:
Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi
Noes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell

NEW BUSINESS

Recommendations of the Budget and Finance Committee

090723 [Budget Savings Incentive Fund]
Mayor

Ordinance amending the San Francisco Administrative Code by amending Section 10.20 to permit the suspension of appropriations from the Budget Savings Incentive Fund for any single fiscal year and to deposit the amounts in the Fund as of June 30, 2009, into the General Fund to assist in balancing the fiscal year 2009-2010 budget.

(Supervisor Chu dissented in Committee.)

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090725 [Proposition J Contract/Certification of Specified Contracted-Out Services Previously Approved]
Mayor

Resolution concurring with the Controller's certification that services previously approved can be performed by private contractor for a lower cost than similar work performed by City and County employees, for the following services: Budget Analyst (Board of Supervisors); LGBT Anti-violence Education and Outreach Program (District Attorney); body removal services–Medical Examiner, central shops security, convention facilities management, janitorial services, and security services (General Services Agency–City Administrator); security services–1680 Mission Street (General Services Agency–Public Works); mainframe system support (General Services Agency–Technology); absentee voter ballot distribution (Department of Elections); security services (Human Services Agency); Project S.A.F.E. (Police); and janitorial services (Sheriff).

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090776 [Redevelopment Agency Interim Budget]
Mayor

Resolution approving an Interim Budget of the Redevelopment Agency of the City and County of San Francisco for fiscal year 2009-2010.

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Budget and Finance Subcommittee

090598 [Official Advertising for Fiscal Year 2009-2010]

Resolution designating the Examiner and the San Francisco Chronicle as the official newspapers of the City and County of San Francisco for the categories of Type 1 and Type 2 official advertising from July 1, 2009, through June 30, 2010. (Office of Contract Administration)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090599 [Outreach Advertising for Fiscal Year 2009-2010]

Resolution designating the San Francisco Bay View to be the outreach newspaper of the City and County for the African American community; the China Press, the Sing Tao Daily and the World Journal to be the outreach newspapers of the City and County for the Chinese community; the Bay Area Reporter and the Bay Times to be the outreach newspapers of the City and County for the Gay, Lesbian, Bisexual community, and El Mensajero and El Reportero to be the outreach newspapers of the City and County for the Hispanic community, to provide outreach advertising for Fiscal Year 2009-2010. (Office of Contract Administration)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Government Audit and Oversight Committee

Supervisor Maxwell Excused from Voting

Supervisor Daly, seconded by Supervisor Elsbernd, moved to excuse Supervisor Maxwell from voting on Item Nos. 49 through 52. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090276 [Housing Code Section 503(d) "Housing Access" extend protections to all persons sharing housing by deleting references to "families" and technical correction to Section 503(b)]

Supervisors Daly, Chiu, Avalos, Mirkarimi, Campos

Ordinance amending the San Francisco Housing Code Chapter 5, by amending Section 503(d) "Housing Access" to promote affordable housing by extending the protections of that Section to all persons sharing housing by deleting the references to "families" and to specify that the both prospective and current tenants are protected; amending Section 503(b) "Superficial Floor Area" to make a technical correction.

PASSED ON FIRST READING by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd
Excused: 1 - Maxwell

090277 [Residential Rent Ordinance: Limit total amount of annual and banked rent increases imposed to 8% per year, written advance notice of basis for banked increases required]

Supervisors Daly, Chiu, Avalos, Mirkarimi, Campos

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.3 to limit the total amount of annual and banked rent increases that may be imposed in any one year to 8% of the tenant's base rent, and to provide that any remaining banked increase may be imposed in the following years, subject to this same 8% limit (Section 37.3(a)(2)); and to require that landlords provide written advance notice to tenants stating the dates upon which the banked increase is based (Section 37.3(b)(1)).

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd
Excused: 1 - Maxwell

090278 **[Residential Rent Ordinance: Tenant financial hardship relief from Section 37.3 rent increases, when total rent would exceed 33% of tenant's gross income; multilingual outreach]**
Supervisors Daly, Avalos, Mirkarimi, Campos

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance," by amending Section 37.3 to add Subsection (f) "Tenant Financial Hardship Applications" to provide tenant relief from Section 37.3 rent increases, with relief determined solely on by whether the rent increase would result in tenant's total rent exceeding 33% of tenant's gross income (including consideration of tenant assets); rent increase stayed pending determination of application; if application is granted, the rent increase will not be in effect until the increase will not cause tenant financial hardship, or until the landlord can demonstrate that "inability to impose the rent increase is causing the landlord greater hardship than the tenant's hardship" for a period of time based on the tenant's circumstances, with a review scheduled at the end of that period; a delayed rent increase later allowed will be effective as of the date the tenant's income or assets changed to permit the increase; hardship applications to be available in multiple languages; multilingual notice of hardship application procedures to be mailed with each Administrative Law Judge or Rent Board decision; Rent Board to implement a process for outreach to landlords and tenants whose primary language is not English regarding availability and use of the hardship application procedure, and report to the Board of Supervisors describing the implementation process and any known results; Section 37.3(f) to sunset and no longer be in effect when the City unemployment rate drops to 5% or less according to the annual average published by the California Employment Development Department "Monthly Labor Force Data for Counties, Annual Average."

(Fiscal Impact.)
(Economic Impact.)

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi
Excused: 1 - Maxwell

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd
Excused: 1 - Maxwell

090279 [Residential Rent Ordinance: Prohibit rent increases and evictions based on additional occupants where total number is within Housing Code Section 503 occupancy limits]
Supervisors Daly, Chiu, Avalos, Mirkarimi, Campos

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Sections 37.3 and 37.9 to prohibit rent increases based on the addition of occupants, even where a pre-existing rental agreement or lease otherwise permits a rent increase for additional occupants, except that a landlord may petition for and be granted a rent increase based on increased costs caused by the additional occupant(s), and except that rent increases otherwise permitted by California Civil Code Section 1954.53(d)(1) are not prohibited (Section 37.3(a)(11)); and to prohibit evictions based on the addition of occupants, so long as the total number of occupants does not exceed the maximum number of occupants per sleeping room set by San Francisco Housing Code §503(b) "superficial floor area" standards (Section 37.9(a)(2)).

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi
Excused: 1 - Maxwell

PASSED ON FIRST READING AS AMENDED by the following vote:
Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd
Excused: 1 - Maxwell

090734 [Amending Ordinance 125-08, which approved an agreement with Cochran, Inc. to install shoreside power equipment at Piers 27 and 29 of the Port of San Francisco and waived requirements of the Administrative Code and Environment Code]
Mayor, Supervisors Chiu, Alioto-Pier, Dufty

Ordinance amending Ordinance 125-08, which authorized the Executive Director of the Port to execute an agreement with Cochran, Inc., to install shoreside power equipment at Piers 27 and 29 of the Port of San Francisco and exempted the agreement from the contracting requirements of the Administrative Code and Environment Code, to increase the amount of the contract to design, purchase, and install the shoreside power equipment, and to allow the Port to contract with Cochran, Inc. to operate and maintain said equipment for a period of three (3) years, for a total amount not to exceed $5,198,000.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Campos

090736 [Approval of one-year extension of contract for the San Francisco Treasurer/Tax Collector for software maintenance, support and development for collection of revenue for various City and County departments]

Supervisor Dufty

Resolution approving one-year extension of software maintenance, license, support and development contract for the San Francisco Treasurer/Tax Collector for services to collect revenue for various City and County departments.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

081251 [Planning Code-Appendix K to Article 10, Bush Street-Cottage Row Historic District]

Supervisor Mirkarimi

Ordinance amending the San Francisco Planning Code by amending Appendix K to Article 10, "Bush Street-Cottage Row Historic District," by adding a new Section 7 to set forth additional requirement for Certificates of Appropriateness; and making findings, including findings of consistency with the General Plan and priority policies of Planning Code Section 101.1 and environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090141 [Zoning - Ordinance Making Tobacco Paraphernalia Establishments a Non-Permitted Use in the Haight Street Neighborhood Commercial District and in the newly created Lower Haight Street Tobacco Paraphernalia Restricted Use District]

Supervisor Mirkarimi

Ordinance amending the Planning Code to amend Section 227(v), to create a special definition for Tobacco Paraphernalia Establishments applicable in the Haight Street Neighborhood Commercial District and in the Lower Haight Street Tobacco Paraphernalia Restricted Use District, as defined; amending Section 790.123 to refer to this special definition; amending Section 719.1 and the Table at Section 719, to make Tobacco Paraphernalia Establishments, as defined, not permitted in the Haight Street Neighborhood Commercial District; adding new Section 786, to create the Lower Haight Street Tobacco Paraphernalia Restricted Use Subdistrict; amending Section 186.1, to change the period of non-use for a nonconforming Tobacco Paraphernalia Establishment use to be deemed discontinued in the Haight Street Neighborhood Commercial District and in the newly created Lower Haight Street Tobacco Paraphernalia Restricted Use Subdistrict from three years to eighteen months; amending Special Use District Map SU 07 of the Zoning Map of the City and County of San Francisco, to reflect the new Lower Haight Street Tobacco Paraphernalia Restricted Use Subdistrict, and making findings, including findings of consistency with the Priority policies of Planning Code Section 101.1 and environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090327 [First Source Hiring Program - expand definitions of "entry level position" and "economically disadvantaged individual"]
Supervisor Mirkarimi

Ordinance amending Section 83.4 of the San Francisco Administrative Code by expanding the definitions of "economically disadvantaged individual" and "entry level position."

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090574 [Hunters View - Resolution of Intent for Street Vacation]
Resolution declaring the intention of the Board of Supervisors to vacate portions of Fairfax Avenue and West Point Road and various public service easements in the Hunters View Project; setting a hearing date for all persons interested in the proposed vacation of said street areas. (Public Works Department)

Amended on page 3, lines 16-17, by changing the hearing date from "21st day of July, 2009," to "11th day of August, 2009."

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Resolution be AMENDED. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ADOPTED AS AMENDED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Dufty, seconded by Supervisor Campos, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Dufty introduced, welcomed and presented a Certificate of Honor to Dan McKenna in recognition of his 35 years of service to the City and County of San Francisco. Supervisors Elsbernd, Mirkarimi, Chu, Maxwell, and Alioto-Pier also expressed their appreciation to Dan McKenna.

Supervisor Campos introduced, welcomed and presented a Certificate of Honor to Anthony Lopez in recognition of his accomplishments and for his continued LGBT community involvement.

COMMITTEE REPORTS

090741 **[Authorizing City officials the ability to execute Homeland Security Grants]**
Supervisor Alioto-Pier

Resolution authorizing designated City and County officials to execute and file on behalf of the City and County of San Francisco, a public entity established under the laws of the State of the California, any applications or agreements and to take any actions necessary to obtain federal financial assistance provided by the Federal Department of Homeland Security and sub-granted through the State of California, including the following grants: State Homeland Security Grant Program, Metropolitan Medical Response System and Citizen Corps Program.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090742 **[Homeland Security Grants]**
Supervisor Alioto-Pier

Resolution authorizing designated City and County officials to execute and file on behalf of the City and County of San Francisco, a public entity established under the laws of the State of California, any actions necessary for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security and sub-granted through the State of California under various grant programs, including: the FY 09 Homeland Security Grant Program for the FY 09 Urban Areas Security Initiative (UASI) grant, the FY 09 Buffer Zone Protection Program (BZPP) grant, the FY 09 Regional Catastrophic Preparedness Grant Program (RCPGP), the FY 09 Interoperable Emergency Communications Grant Program (IECGP) and Public Law 110-329.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Richard Robertson; expressed concerns relating to religion and marriage.
James Chaffee; expressed concerns relating to the SF Public Library.
Richard McRee; expressed concerns relating to political integrity.
Walter; shared in song certain issues with the Board.
Rachel West; expressed concerns relating to massage parlor legislation.
Lorie Near; expressed concerns relating to massage parlor legislation.
Male Speaker; expressed concerns relating to JROTC programs.
Ali Atahi; Ahi Sam; Zhedo; Female Speaker; Female Speaker; Anthony Teicher; Khali; Female Speaker; Shariq Sharee; Female Speaker; Rezon; and Female Speaker; expressed support for the people of Iran.
Abdullah Megaheed; expressed various concerns.
Male Speaker; expressed concerns relating to the budget.
Veronica Castenada; expressed concerns relating to JROTC programs.
Male Speaker; expressed various religious concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

090821 **[Urging the United States Department of Justice to withdraw its support of the Defense of Marriage Act]**

Supervisors Dufty, Campos, Chiu, Daly, Mar, Avalos

Resolution urging the United States Department of Justice to withdraw or amend its support of the Defense of Marriage Act (DOMA) and calling on President Barack Obama to act to repeal DOMA.

Supervisors Daly, Mar, and Avalos requested to be added as co-sponsors.

ADOPTED

090047 **[Final Map - 1151 Sutter Street]**

Motion approving Final Map 5022, an Eight Residential Unit and One Commercial Unit Mixed-Use Condominium Project, located at 1151 Sutter Street being a subdivision of Lot 014 in Assessors Block No. 0692 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,190; District 3.)

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed From the For Adoption Without Committee Reference Agenda

Supervisor Mirkarimi requested that this matter be severed so that it may be considered separately.

090822 **[Expressing support for the people of Iran who act in good faith to secure their democratic rights to transparent self governance]**

Supervisors Mirkarimi, Dufty

Resolution expressing support for the people of Iran who act in good faith to secure their democratic rights to transparent self governance.

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

The entire board requested to be added as co-sponsors.

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Chiu requested that this matter be severed so that it may be considered separately.

090824 [Federal Energy Efficiency and Conservation Block Grant revenue funding priorities]
Supervisor Chiu

Resolution establishing funding priorities for revenue from the federal Energy Efficiency and Conservation Block Grant program.

RE-REFERRED to the Budget and Finance Committee.

Supervisor Alioto-Pier requested that this matter be severed so that it may be considered separately.

090825 [Opposing proposed California constitutional amendment]
Supervisors Mirkarimi, Avalos, Campos

Resolution in opposition to the proposed California constitutional amendment ballot measure misleadingly referred to as the "Taxpayers Right to Vote Act."

Supervisors Avalos and Campos requested to be added as co-sponsors.

Continued to June 30, 2009.

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved ADOPTION of the purely commendatory finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

[Brown Act Finding]
Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090827 [Commending Dan McKenna of the Bureau of Street Use and Mapping on his retirement]
Supervisor Dufty

Resolution commending Dan McKenna of the Bureau of Street Use and Mapping on the occasion of his retirement.

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved that this Resolution be ADOPTED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCE

090811 [Settlement of Lawsuit - Craig Yates and Richard Skaff - $312,000]

Ordinance authorizing settlement of multiple lawsuits filed by Craig Yates and Richard Skaff against the City and County of San Francisco and San Francisco Uptown Parking Corporation for $312,000; further authorizing settlement of San Francisco's cross-claims against San Francisco Parking, Inc., d/b/a City Park for $150,000 to be paid to the City and County of San Francisco; the lawsuits entitled: (1) Craig Yates v. Union Square, et al., Case No. C07-4087-JSW, filed August 9, 2007, in the United States District Court, Northern District of California; (2) Craig Yates v. Union Square, et al., Case No. CGC-08-473176, filed March 11, 2008, in San Francisco Superior Court; (3) Richard Skaff v. Union Square, et al., Case No. 08-CV-2555-JSW, filed May 20, 2008, in the United States District Court, Northern District of California; and (4) Richard Skaff v. Union Square, et al., Case No. CGC-08-475516, filed May 20, 2008, in San Francisco Superior Court. (City Attorney)

6/15/09, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

090809 [Street Artist Spaces]
Supervisor Dufty

Resolution approving designation for six (6) months of eight (8) temporary selling spaces in "mini-plaza" on 17th Street at Castro and Market Streets for street artists certified by the Arts Commission, City and County of San Francisco; exempting said spaces from the regulation of Police Code Section 2405(c)(11) relating to distance between street artists; said spaces subject to Board of Supervisors review. (Arts Commission)

6/11/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

Supervisor Dufty requested to be added as sponsor.

090810 [Street Artist Spaces]

Resolution approving designation for six (6) months of four (4) temporary selling spaces on Hayes Street, north side, near Octavia Street for street artists certified by the Arts Commission, City and County of San Francisco; said spaces subject to Board of Supervisors review. (Arts Commission)

6/11/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090823 **[Authorization for continued membership in 18 County CalWIN Consortium]**

Resolution authorizing the Department of Human Services to continue its membership in the 18 County CalWIN Consortium and authorizing the Director of the Human Services Agency to execute the necessary agreements for participation in the consortium's continued development, implementation, maintenance and operation of a computer system for the administration of public benefit programs in accordance with state requirements for which San Francisco's portion of the cost will be $13,110,600 for the extended period of July 1, 2009 through July 31, 2013. Please note: State and Federal reimbursement is at 92% of $13,110,600. County general fund portion $1,048,848. (Human Services Department)

6/17/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:10 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

GOVERNMENT
DOCUMENTS DEPT

JUL - 3 2009

SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, June 30, 2009 2:00 PM

City Hall, Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Chu, Campos, Dufty	Wednesday 1:30 PM
Budget and Finance Subcommittee Supervisors Avalos, Mirkarimi, Chu	Wednesday 11:00 AM
City and School District Select Committee Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Dufty, Daly	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mirkarimi, Mar, Maxwell	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Campos, Mirkarimi	1st and 3rd Monday 11:00 AM
Rules Committee Supervisors Daly, Chu, Campos	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:07 p.m. On the call of the roll, all Supervisors were noted present.

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Dufty, moved to approve the Board Meeting Minutes of June 2, 2009. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

CONSENT AGENDA

Recommendations of the City Operations and Neighborhood Services Committee

090493 **[Liquor License Transfer - 3950 24th Street]**

Resolution determining that the transfer of a Type 20 off-sale beer and wine license from 1469 Hyde Street to 3950 24th Street (District 8) to Joseph N. Rogoff for Whole Foods Market California, Inc. dba Whole Foods Market, will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED

090797 **[Accept and Expend Grant - Department of Public Health - $1,925,719]**

Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant from the California Department of Corrections and Rehabilitation (CDCR) in the amount of $1,925,719 to expand the City's treatment capacity for mentally ill parolees; for the period of June 1, 2009, through June 30, 2012.

ADOPTED

Recommendations of the Land Use and Economic Development Committee

081251 **[Planning Code-Appendix K to Article 10, Bush Street-Cottage Row Historic District]**
Supervisor Mirkarimi

Ordinance amending the San Francisco Planning Code by amending Appendix K to Article 10, "Bush Street-Cottage Row Historic District," by adding a new Section 7 to set forth additional requirement for Certificates of Appropriateness; and making findings, including findings of consistency with the General Plan and priority policies of Planning Code Section 101.1 and environmental findings.

FINALLY PASSED

090141 **[Zoning - Ordinance Making Tobacco Paraphernalia Establishments a Non-Permitted Use in the Haight Street Neighborhood Commercial District and in the newly created Lower Haight Street Tobacco Paraphernalia Restricted Use District]**
Supervisor Mirkarimi

Ordinance amending the Planning Code to amend Section 227(v), to create a special definition for Tobacco Paraphernalia Establishments applicable in the Haight Street Neighborhood Commercial District and in the Lower Haight Street Tobacco Paraphernalia Restricted Use District, as defined; amending Section 790.123 to refer to this special definition; amending Section 719.1 and the Table at Section 719, to make Tobacco Paraphernalia Establishments, as defined, not permitted in the Haight Street Neighborhood Commercial District; adding new Section 786, to create the Lower Haight Street Tobacco Paraphernalia Restricted Use Subdistrict; amending Section 186.1, to change the period of non-use for a nonconforming Tobacco Paraphernalia Establishment use to be deemed discontinued in the Haight Street Neighborhood Commercial District and in the newly created Lower Haight Street Tobacco Paraphernalia Restricted Use Subdistrict from three years to eighteen months; amending Special Use District Map SU 07 of the Zoning Map of the City and County of San Francisco, to reflect the new Lower Haight Street Tobacco Paraphernalia Restricted Use Subdistrict, and making findings, including findings of consistency with the Priority policies of Planning Code Section 101.1 and environmental findings.

FINALLY PASSED

090327 **[First Source Hiring Program - expanding definitions of "entry level position" and "economically disadvantaged individual"]**
Supervisor Mirkarimi

Ordinance amending Section 83.4 of the San Francisco Administrative Code by expanding the definitions of "economically disadvantaged individual" and "entry level position."

FINALLY PASSED

Recommendations of the Rules Committee

090770 **[Appointment, Commission on the Aging Advisory Council - Jerry Brown]**
Motion appointing Jerry Brown, term ending March 31, 2011, to the Commission on the Aging Advisory Council.

APPROVED

090790 **[Appointment, Graffiti Advisory Board - Rebecca Delgado Rottman]**
Motion appointing Rebecca Delgado Rottman, term ending April 10, 2011, to the Graffiti Advisory Board.

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

090723 **[Budget Savings Incentive Fund]**

Mayor

Ordinance amending the San Francisco Administrative Code by amending Section 10.20 to permit the suspension of appropriations from the Budget Savings Incentive Fund for any single fiscal year and to deposit the amounts in the Fund as of June 30, 2009, into the General Fund to assist in balancing the FY 2009-2010 budget.

(Supervisor Chu dissented in Committee.)

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Government Audit and Oversight Committee

Supervisor Maxwell Excused from Voting

Supervisor Daly, seconded by Supervisor Elsbernd, moved to excuse Supervisor Maxwell from voting on File Nos. 090276, 090277, 090278, and 090279. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi
Excused: 1 - Maxwell

090276 **[Housing Code Section 503(d) "Housing Access" extend protections to all persons sharing housing by deleting references to "families" and technical correction to Section 503(b)]**

Supervisors Daly, Chiu, Avalos, Mirkarimi, Campos

Ordinance amending the San Francisco Housing Code Chapter 5, by amending Section 503(d) "Housing Access" to promote affordable housing by extending the protections of that Section to all persons sharing housing by deleting the references to "families" and to specify that the both prospective and current tenants are protected; amending Section 503(b) "Superficial Floor Area" to make a technical correction.

FINALLY PASSED by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd
Excused: 1 - Maxwell

090277 **[Residential Rent Ordinance: Limit total amount of annual and banked rent increases imposed to 8% per year, written advance notice of basis for banked increases required]**
Supervisors Daly, Chiu, Avalos, Mirkarimi, Campos

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.3 to limit the total amount of annual and banked rent increases that may be imposed in any one year to 8% of the tenant's base rent, and to provide that any remaining banked increase may be imposed in the following years, subject to this same 8% limit (Section 37.3(a)(2)); and to require that landlords provide written advance notice to tenants stating the dates upon which the banked increase is based (Section 37.3(b)(1)).

FINALLY PASSED by the following vote:
Ayes: 7 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd
Excused: 1 - Maxwell

090278 **[Residential Rent Ordinance: Tenant financial hardship relief from Section 37.3 rent increases, when total rent would exceed 33% of tenant's gross income; multilingual outreach]**
Supervisors Daly, Avalos, Mirkarimi, Campos

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance," by amending Section 37.3 to add Subsection (f) "Tenant Financial Hardship Applications" to provide tenant relief from Section 37.3 rent increases, with relief determined solely on by whether the rent increase would result in tenant's total rent exceeding 33% of tenant's gross income (including consideration of tenant assets); rent increase stayed pending determination of application; if application is granted, the rent increase will not be in effect until the increase will not cause tenant financial hardship, or until the landlord can demonstrate that "inability to impose the rent increase is causing the landlord greater hardship than the tenant's hardship" for a period of time based on the tenant's circumstances, with a review scheduled at the end of that period; a delayed rent increase later allowed will be effective as of the date the tenant's income or assets changed to permit the increase; hardship applications to be available in multiple languages; multilingual notice of hardship application procedures to be mailed with each Administrative Law Judge or Rent Board decision; Rent Board to implement a process for outreach to landlords and tenants whose primary language is not English regarding availability and use of the hardship application procedure, and report to the Board of Supervisors describing the implementation process and any known results; Section 37.3(f) to sunset and no longer be in effect when the City unemployment rate drops to 5% or less according to the annual average published by the California Employment Development Department "Monthly Labor Force Data for Counties, Annual Average."

(Fiscal Impact.)
(Economic Impact.)

FINALLY PASSED by the following vote:
Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd
Excused: 1 - Maxwell

090279 **[Residential Rent Ordinance: Prohibit rent increases and evictions based on additional occupants where total number is within Housing Code Section 503 occupancy limits]**
Supervisors Daly, Chiu, Avalos, Mirkarimi, Campos

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Sections 37.3 and 37.9 to prohibit rent increases based on the addition of occupants, even where a pre-existing rental agreement or lease otherwise permits a rent increase for additional occupants, except that a landlord may petition for and be granted a rent increase based on increased costs caused by the additional occupant(s), and except that rent increases otherwise permitted by California Civil Code Section 1954.53(d)(1) are not prohibited (Section 37.3(a)(11)); and to prohibit evictions based on the addition of occupants, so long as the total number of occupants does not exceed the maximum number of occupants per sleeping room set by San Francisco Housing Code §503(b) "superficial floor area" standards (Section 37.9(a)(2)).

FINALLY PASSED by the following vote:
Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd
Excused: 1 - Maxwell

090734 **[Amending Ordinance 125-08, which approved an agreement with Cochran, Inc. to install shoreside power equipment at Piers 27 and 29 of the Port of San Francisco and waived requirements of the Administrative Code and Environment Code]**
Mayor, Supervisors Chiu, Alioto-Pier, Dufty

Ordinance amending Ordinance 125-08, which authorized the Executive Director of the Port to execute an agreement with Cochran, Inc., to install shoreside power equipment at Piers 27 and 29 of the Port of San Francisco and exempted the agreement from the contracting requirements of the Administrative Code and Environment Code, to increase the amount of the contract to design, purchase, and install the shoreside power equipment, and to allow the Port to contract with Cochran, Inc. to operate and maintain said equipment for a period of three (3) years, for a total amount not to exceed $5,198,000.

(Fiscal Impact.)

FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Campos

NEW BUSINESS

Recommendations of the Budget and Finance Committee

090756 **[Approval of FY 2009-2010 Expenditure Plan for the Human Services Care Fund]**
Resolution approving the FY 2009-2010 Expenditure Plan for the Human Services Care Fund. (Human Services Department)

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090695 [Approval of FY 2009-2010 Redevelopment Agency Budget and Bonds]
Mayor

Resolution approving the Budget of the Redevelopment Agency of the City and County of San Francisco for FY 2009-2010 and approving the Issuance by the Redevelopment Agency of Bonds in an aggregate principal amount of not to exceed $87.5 million to finance a portion of redevelopment activities described in such approved Budget for FY 2009-2010.

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090701 [Setting Patient Rates - effective July 1, 2009]
Mayor

Ordinance amending Section 128 of the San Francisco Health Code to set patient rates and other services provided by the Department of Public Health, effective July 1, 2009.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090702 [Emergency Medical Services Fees]
Mayor

Ordinance amending the San Francisco Health Code by amending Section 901 and adding Section 914.5, and amending San Francisco Business and Tax Regulations Code Section 249.8, to amend definitions, add fees and a Certificate of Participation requirement for facilities that receive patients through ambulance service providers, and making environmental findings.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090703 [Chain Restaurant Surcharge]
Mayor

Ordinance adding Section 249.21 to the Business and Tax Regulations Code to impose a surcharge on chain restaurants that qualify as food facilities under State law to recover the Department of Public Health's costs of enforcing California Health and Safety Code Sec. 114094 regarding disclosure of nutritional and calorie content information, adding provisions for the Controller to adjust fees annually, and making environmental findings.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090627 **[Extending the duration of the Film Rebate Program and limiting the rebate available to film productions for police services]**
Supervisors Alioto-Pier, Dufty

Ordinance amending Administrative Code Section 57.8 by extending the Film Rebate Program through June 30, 2012, and modifying the definition of "qualified production cost" in order to limit rebates available to film productions for the use of certain police services.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

090711 **[Recreation and Park Department - Clubhouses and Gymnasiums Fees]**
Mayor

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.21 to increase the fees at the Clubhouses and Gymnasiums, to eliminate the reservation fee and making environmental findings.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090712 **[Recreation and Park Department - Aquatic Facilities Fees]**
Mayor

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.40 to increase the fees at the Aquatic facilities and making environmental findings.

PASSED ON FIRST READING by the following vote:
Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 2 - Daly, Mirkarimi

090713 **[Recreation and Park - Day Camp Fees]**
Mayor

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.15 to increase fees for Day Camps and making environmental findings.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090714 **[Recreation and Park - Kezar Parking Lot Fees]**
Mayor

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.08 to increase fees for parking in the lot at the Kezar Stadium and making environmental findings.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090717 [Recreation and Park Department - Athletic Field Fees]
Mayor

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.36 to increase the fees for use of Athletic Fields and making environmental findings.

(Supervisor Mirkarimi dissented in Committee.)

PASSED ON FIRST READING by the following vote:
Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 2 - Daly, Mirkarimi

090718 [Recreation and Park Department - Japanese Tea Garden Fees]
Mayor

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.05 to add a non-resident entrance fee for the Japanese Tea Garden and making environmental findings.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090719 [Recreation and Park Department - Latch Key and Afterschool Programs Fees]
Mayor

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.30 to increase fees for Latchkey and Afterschool programs and making environmental findings.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

090720 [Recreation and Park - Conservatory of Flowers Fees]
Mayor

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.34 to add a non-resident entrance fee for the Conservatory of Flowers and making environmental findings.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

090367 [Planning Code Amendment - Philanthropic Administrative Service Use; Zoning Map Amendment - 2503 Clay Street]
Supervisor Alioto-Pier

Ordinance amending the San Francisco Planning Code by adding Section 790.107 to define a Philanthropic Administrative Service Use and by adding 718.85 to the Zoning Control Table in Section 718 to authorize a Philanthropic Administrative Service Use as a permitted use in the Upper Fillmore Street Neighborhood Commercial District; amending Sheet ZN02 of the Zoning Maps of the City and County of San Francisco to change the zoning for Assessor's Block 0630, Lot 032 (2503 Clay Street) from RH-2 to Upper Fillmore Street NCD; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090755 [Street Artist Spaces]
Resolution approving permanent designation of nine (9) former temporary selling spaces for weekend usage on Market Street, north side, at Steuart Street, for street artists certified by the Arts Commission, City and County of San Francisco; exempting said spaces from the regulations of Police Code Section 2405 relating to street artist display size and bus zone. (Arts Commission)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

There were none.

SPECIAL ORDER 4:00 P.M.

090772 [Public Hearing - Appeal of Final Environmental Impact Report for 2901 California Street/1831-1835 Broderick Street-Drew School Addition]
Hearing of persons interested in or objecting to the Planning Commission's May 14, 2009, certification of a Final Environmental Impact Report identified as Planning Case No. 2007.0128E, through its Motion No. 17879, for a proposed Drew School Addition project located at 2901 California Street/1831-1835 Broderick Street, Assessor's Block No. 1029, Lots 003 and 095. (Appellant: Stephen M. Williams on behalf of the Pacific Heights Residents Association and the Western Addition Neighborhood Association)

(Filed 6/3/09; Companion Measure to 090773, 090774, 090775; District 2.)

Continued to August 4, 2009

Supervisor Alioto-Pier, seconded by Supervisor Mirkarimi, moved that this Hearing be CONTINUED. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090773 **[Affirming the certification of the 2901 California Street (Drew School Addition) FEIR]**

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the 2901 California Street/1831-1835 Broderick Street-Drew School Addition Project.

Continued to August 4, 2009

Supervisor Alioto-Pier, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090774 **[Reversing the certification of 2901 California Street (Drew School Addition) FEIR]**

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for 2901 California Street/1831-1835 Broderick Street-Drew School Addition Project.

Continued to August 4, 2009

Supervisor Alioto-Pier, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090775 **[Preparation of findings to reverse certification of 2901 California Street (Drew School Addition) FEIR]**

Motion directing the Clerk of the Board to prepare findings reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 2901 California Street/1831-1835 Broderick Street-Drew School Addition FEIR.

Continued to August 4, 2009

Supervisor Alioto-Pier, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMITTEE REPORTS

090798 **[Bayview Hunters Point Redevelopment Project Area C Interim Controls Extension]**
Supervisor Maxwell

Resolution extending the imposition of interim zoning controls for an additional six (6) months in the area designated as "Area C" in the Bayview Hunters Point Redevelopment Survey Area, an area generally bounded by Jennings Street, Hunters Point Boulevard, Innes Avenue, Earl Street and the San Francisco Bay by requiring a conditional use permit for all new construction, changes of use, alterations that expand the building envelope and demolitions, except for alterations of a lawfully existing use in the M-1, M-2 or NC-2 zones or the establishment of or a change of use on the ground floor of a principally permitted use in the NC-2 area; by specifying criteria to be applied in the evaluation of a conditional use permit application; and adopting findings.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090828 [Safe Streets and Road Repair General Obligation Bonds - $368,000,000]
Mayor, Supervisors Chiu, Dufty, Mar, Campos, Mirkarimi

Resolution determining and declaring that the public interest and necessity demand the resurfacing of roads, repair of sidewalks and street structures, and the redesign of streetscapes to include curb ramps and other pedestrian safety features and the payment of related costs necessary or convenient for the foregoing purposes; finding that the estimated cost of $368,000,000 for such improvements is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require incurring bonded indebtedness; finding that the proposed bond is not a project under the California Environmental Quality Act ("CEQA"); finding the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; and waiving the time limits set forth in Administrative Code Section 2.34.

(Fiscal Impact.)

Ed Reiskin, Department of Public Works Director, provided an overview of the proposed use of bond funding. Nani Coloretti, Office of the Mayor Budget Director, responded to questions raised throughout the discussion.

Supervisor Alioto-Pier requested to be removed as a co-sponsor.

ADOPTED by the following vote:
Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Alioto-Pier, Elsbernd

090753 [Selection of independent City auditors]
Supervisor Mirkarimi

Resolution selecting independent auditors for the Controller's office and the separately audited departments of the City and authorizing a two-year contract with the selected audit firm with five years worth of options for renewal.

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Paulette Brown; expressed concerns relating to human services and solving child homicides and violence in the community.
Han Tsu Kim; Robert Gesamme; Jim Klusky; Mike Monroe; Mr. Heinz; Carey; Male Speaker; Male Speaker; expressed concerns relating taxi reform.
Walter; shared in song certain issues with the Board.
Mark Trout; expressed various concerns.
Mr. White; expressed concerns relating to shelters.
Male Speaker; expressed concerns relating to taxes and health care.
Ed Valeri; expressed various concerns.
Female Speaker; Gaby; expressed concerns relating to budget cuts.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

090838 [Fair and balanced State budget]
Supervisor Avalos

Resolution urging California's elected leaders to use a fair and balanced approach to solving the State's budget crisis.

ADOPTED

090839 [Accept and Expend State Grant - Recreation and Park Department - $68,250]
Supervisor Avalos

Resolution authorizing the San Francisco Recreation and Park Department to accept and expend retroactively a grant in the amount of $68,250 from the California Integrated Waste Management Board for the purchase of tire derived products for the Crocker Amazon Soccer Complex Project.

ADOPTED

090840 [Urging California State Legislature to reject the passage of Assembly Bill 746 (Conflicts of Interest)]
Supervisors Chiu, Campos

Resolution urging the California State Legislature to reject the passage of Assembly Bill 746, relating to conflicts of interest.

ADOPTED

090841 **[Commending Shanghai Pride Week as China's first gay pride festival, and recognizing its organizers and the Chinese government]**
Supervisors Dufty, Campos, Mar

Resolution commending Shanghai Pride Week as China's first gay pride festival, and recognizing its organizers and the Chinese government for their role in its actualization.

Supervisor Mar requested to be added as a co-sponsor.
ADOPTED

090842 **[Commending Carri Lucas for 29 years of dedicated service in the San Francisco Police Department]**
Supervisor Dufty

Resolution commending Carri Lucas for 29 years of dedicated service in the San Francisco Police Department.

ADOPTED

090843 **[California State Budget - Opposing the use of motor fuel tax and redevelopment tax increment funds]**
Supervisor Maxwell

Resolution urging the City Attorney and the General Counsel of the San Francisco Redevelopment Agency to cooperate with the League of California Cities, the California Redevelopment Association, and other cities and counties in possible litigation challenging the constitutionality of any seizure by State government of the City's street maintenance and redevelopment funds.

ADOPTED

The foregoing items were acted upon by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Alioto-Pier requested that this matter be severed so that it may be considered separately.

090825 **[Opposing proposed California constitutional amendment]**
Supervisors Mirkarimi, Avalos, Campos, Mar

Resolution in opposition to the proposed California constitutional amendment ballot measure misleadingly referred to as the "Taxpayers Right to Vote Act."

Supervisor Mar requested to be added as a co-sponsor.
ADOPTED by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Alioto-Pier

IMPERATIVE AGENDA

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Avalos, seconded by Supervisor Dufty, moved ADOPTION of the purely commendatory finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

[Brown Act Finding]
Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Avalos, seconded by Supervisor Dufty, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090852 **[Declaring July 1, 2009, Julie Leadbetter Day]**
Supervisor Avalos

Resolution seeking to commend Julie Leadbetter for her dedication to housing advocacy, community development and homeless services in San Francisco, wishing her well until she returns to our great city and declaring July 1, 2009, to be Julie Leadbetter Day.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCE

090829 **[Trinity Plaza Development Agreement Amendment; Property at 1167 Market Street, 670-693 Stevenson Street, and 1164 Mission Street]**

Ordinance amending a development agreement between the City and County of San Francisco and 1169 Market Street, L.P. for certain real property located at 1167 Market Street (Assessor's Block 3702/Lot 053), 670 Stevenson Street (Assessor's Block 3702/Lot 051), 693 Stevenson Street (Assessor's Block 3702/Lot 052), 1164 Mission Street (Assessor's Block 3702/Lot 039), and a portion of former Jessie Street between 7th and 8th Streets, altogether consisting of approximately 177,295 square feet (4.07 acres) and commonly known as Trinity Plaza, entered into on June 15, 2007, pursuant to Ordinance No. 92-07 adopted by the Board of Supervisors on April 17, 2007 (File No. 061217), to add 5 years to the term, to permit the construction of the entirety of a parking garage, to amend the definition of Existing Tenants, to identify the BMR Units for Building A, to modify the location and selection process for the Replacement Units, and to permit a Project-wide art component for the Project; and adopting environmental, General Plan and Planning Code Section 101.1(b) findings. (Planning Department)

6/16/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

PROPOSED RESOLUTIONS

090830 **[Airport Concession Lease]**

Resolution approving the Terminal 1 Boarding Area "C" Retail Lease between Hudson News Company and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

6/19/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090831 **[Settlement of Potential Litigation - George Boutros - $25,000]**

Resolution authorizing settlement of potential litigation with George Boutros, individually and in his representative capacity as Trustee of The Boutros Family Trust, related to encroachments on San Francisco Public Utilities Commission Right of Way easements that cross Boutros residential property located at 90 Sea Cliff Avenue, San Francisco, CA. (City Attorney)

6/22/09, RECEIVED AND ASSIGNED to Rules Committee.

090832 **[Approval of Surface Mining Permit 30 Sunol Valley Quarry Lease]**

Resolution authorizing the General Manager of the Public Utilities Commission to enter into a quarry lease for a 308.5 acre parcel located in unincorporated Alameda County in the Sunol Valley with Oliver de Silva, Inc., as tenant, through June 1, 2021, pursuant to San Francisco Charter Section 9.118, with rights to extend the term for two years to complete reclamation and with potential expansion and extension rights subject to further environmental review and regulatory approvals. (Public Utilities Commission)

6/22/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:07 p.m.

4855 2

Utica/Omaha, Ne
Houchen
Bindery Ltd
2009